CONFERENCE ON DISARMAMENT

CD/PV.808
19 January 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva
on Tuesday, 19 January 1999, at 10.15 a.m.

President: Mr. Grey (United States of America)

GE.99-60274 (E)

The PRESIDENT: I declare open the 808th plenary meeting of the Conference and the first part of its 1999 session.

At the outset of this new session, I would like to offer a final farewell to those colleagues who have left the Conference since we adjourned in September: Ambassadors Sánchez Arnau of Argentina, Castro Guerrero of Colombia, Tarmidzi of Indonesia, Lamdan of Israel, Krasnohorská of Slovakia and Norberg of Sweden. I am confident you will join me in asking that their delegations convey to them our deep appreciation for their many valuable contributions to our endeavours here, as well as our sincere wish for their success and satisfaction in their new assignments.

It is also a great pleasure to extend a cordial welcome to the new colleagues who have assumed the responsibility of representing their countries to the Conference: Ambassadors González of Argentina, Reyes Rodríguez of Colombia, Wirajuda of Indonesia, Peleg of Israel, Suchánková of Slovakia and Molander of Sweden. We look forward to working with them in pursuing our common goals.

I should also like to welcome the presence among us today of the Under-Secretary-General for Disarmament Affairs, Ambassador Jayantha Dhanapala, who is in Geneva in connection with the thirty-second session of the Secretary-General's Advisory Board on Disarmament Matters. I am sure we are all grateful to him for his abiding interest in our endeavours and for his support to the Conference.

I would now like to address you in my temporary role as President of the Conference. In personal terms, this is a sobering responsibility, especially since receiving the job reflects the vagaries of the alphabet rather than merit. For my part, I assure you I shall devote my full energy and attention to promoting our shared endeavours in strict accordance with our agreed rules of procedure. I am the servant of the Conference, neither its coach nor its cheerleader. That having been said, I hope and believe that members of the Conference are willing to work together to build a firm but flexible foundation for our efforts this year.

On behalf of all of us, please allow me to express our deep appreciation to my predecessor, Ambassador Soutar of the United Kingdom, for his skilful and productive steering of the Conference last August and September, and for the many valuable insights he has shared with me. His work has left us a sound basis for renewed endeavours in 1999.

I am also grateful to Mr. Vladimir Petrovsky, Secretary-General of the CD and Personal Representative of the Secretary-General of the United Nations, and Mr. Abdelkader Bensmail, Deputy Secretary-General of the CD, and to all other staff of the Secretariat for their able and indispensable support.

At the outset of its 1998 session, the Conference carried out extended and comprehensive discussions, seeking to develop an overall approach to its work that would adequately reflect the goals and interests of all delegations. The task proved intricate and arduous, and several successive Presidents

(The President)

devoted intense effort to it. I am therefore convinced that we must treat last year's arrangements with respect, for it would be rash of us to set aside or disregard the complex and balanced compromises which eventually emerged.

To say this another way, I believe the organizational patterns we adopted in 1998 offer a prudent and appropriate basis for starting our work this year - especially since some of the most important decisions were taken only in the last few weeks of the session. Beginning in December, I have had the opportunity to discuss this bilaterally with almost all of you. As a result, I can report that there is strong support for the idea that the Conference should start off from where we found ourselves when we adjourned in September.

In my capacity as President, I have asked my predecessor, Ambassador Soutar of the United Kingdom, and my successor, Ambassador Rodríguez Cedeño of Venezuela, to join with me in considering appropriate methods and approaches for dealing with the topics that fell under last year's agenda item 1, "Cessation of the nuclear arms race and nuclear disarmament". I suggested to them that we undertake this task as an interim step, pending adoption of this year's work programme elements and without prejudice to subsequent decisions of the Conference. My two colleagues have agreed, believing that it is the sense of this Conference that efforts on this important subject should continue unabated.

I should now like to invite the Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations, Mr. Vladimir Petrovsky, to inform us on some organizational aspects of the current session.

Mr. PETROVSKY (Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the United Nations): As you are aware, the Secretary-General of the United Nations, Mr. Kofi Annan, will be addressing the Conference at its plenary meeting on Tuesday, 26 January this year, and therefore I shall confine my remarks to some organizational aspects of the 1999 session.

As you know, the Secretariat is mandated by the United Nations General Assembly to inform the Conference on the services available to it during its annual sessions. During its 1999 session, the Conference will be allocated 10 meetings per week with full services. In other words, we should be able to hold two daily meetings with full services throughout the whole of the session.

I hardly need to emphasize the seriousness of the financial situation of our organization and, under the current circumstances, it is essential that the Conference makes the best possible use of the resources allocated to it. The Conference has, in the past, shown great flexibility in using the time allocated to it and I am sure that this will also be the case this year. I should like to remind you also that punctuality in starting meetings is very important and that, as usual, meetings with full services cannot be held in the evenings or during weekends.

(Mr. Petrovsky, Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the United Nations)

The situation with regard to documentation in the United Nations continues to be the source of serious concern, and the capacity of the language services is now stretched to its limits. Therefore, the measures already observed by the Conference concerning savings in documentation continue to be valid. In particular, all documents need to be presented well in advance and duplication of documentation should be avoided. In this respect, I should like to once again draw the attention of the Conference to the fact that United Nations regulations do not permit the translation and distribution of statements delivered by delegations in plenary meetings as separate CD documents, since they are already part of the verbatim records. I am sure that I can count on your full cooperation in exercising every restraint, wherever possible, in the control of documentation.

I would also like to recall that, as part of the Secretariat's efforts to reduce expenditure, the following changes were made in the provision of services to the meeting rooms as of March 1996. Only documents containing draft proposals which require action will be circulated in the meeting room. Pre-session and reference documents will continue to be supplied to the permanent and observer missions. Therefore, delegations are kindly requested to keep the copies they receive throughout the annual session and use them during meetings. Nevertheless, a limited number of documents will be available from the documents distribution counter in room C-111.

I would also like to remind delegations to submit their letters of accreditation as soon as possible so that we may issue passes granting access to the conference rooms, as well as the list of participants. Delegations are kindly requested to carry with them either their CD passes or at least the identification provided by the United Nations Office at Geneva.

The Conference will continue to have at its disposal the Council Chamber, room I, room C-108 and the secretariat conference room on the sixth floor. When delegations need such facilities for their consultations, I would ask that they coordinate their requests through the secretariat.

The PRESIDENT: I have on my list of speakers for today the representatives of South Africa and Myanmar. Once we have heard the speakers inscribed for today, I intend to invite the Conference to consider, in an informal plenary meeting, the draft agenda for the 1999 session, as well as the requests received from States not members of the Conference to participate in our work during this session. These requests are contained in document CD/WP.499, which has been circulated by the secretariat. Thereafter, we shall resume the plenary meeting in order to formalize any agreements reached at the informal plenary.

I now give the floor to the representative of South Africa, Mr. Peter Goosen.

Mr. GOOSEN (South Africa): Mr. President, allow me to congratulate you on your assumption of the office of President of the Conference on Disarmament, and to use this opportunity to welcome all of our new colleagues to the Conference.

Unlike the periods when your predecessors presided over the Conference at the start of the 1997 and 1998 sessions, the CD this year faces the prospect of a year in which we can again substantively begin to address issues which arise from its agenda. It is South Africa's continued belief that the Conference on Disarmament cannot continue to justify wasted time. In this context, the first order of business which faces us is the adoption of our agenda for 1999. We believe that the most efficient option would be for the Conference to immediately adopt the same agenda - based on the Decalogue - which we adopted last year. The Conference should then turn its attention to reaching agreement on the work which it actually has to do this year. It is essential that agreement be reached on this in the shortest possible time. This will need to be based on a recognition of the preparations which were made in 1998 and on the other imperatives which this Conference needs to deal with. The longer we delay or prevaricate on the decisions which the CD needs to make, the more difficult these decisions will become, and the more entrenched positions will become.

My delegation will work actively with you, Mr. President, to ensure a smooth start to our work. Success will, however, only be possible if all delegations approach this part of our session on a basis of mutual respect for, and recognition of, one another's positions. A denial of the need to address important issues will not, I fear, create the positive atmosphere in the Conference on Disarmament that is so essential when it stands on the brink of entering into negotiations which are not only substantive and important in their own right, but which will play a key role in continued international peace and security. For this reason, I believe that while we all support and wish to see the early commencement of the negotiations for a treaty dealing with fissile material, we should also see what can be done in the programme of work with regard to the other imperatives which face us. In saying this, let me be very clear: I do not support, and would not favour, the drawn-out and sterile debates which we have had on our programme of work, expansion of the CD's membership, etc. over the last two years. Time and swift action is of the essence if the CD is to continue to demonstrate its relevance to the international community as we prepare to enter the new millennium.

As I have already raised the issue of fissile material, let me now again state the South African position for the record. South Africa welcomed, and continues to welcome, the decision which was taken last year in the Conference on Disarmament to establish the Ad Hoc Committee under item 1 of the agenda entitled "Cessation of the nuclear arms race and nuclear disarmament" which will be negotiating the fissile materials treaty (FMT) on the basis of the Shannon report (CD/1299) and the mandate contained therein. The commencement and early conclusion of the FMT negotiations in the CD has long been an objective of the South African Government. The FMT, as the next major multilateral negotiation, following the conclusion of the Comprehensive Nuclear Test-Ban Treaty (CTBT), is an integral part of the nuclear disarmament

(Mr. Goosen, South Africa)

section of the "Principles and objectives for nuclear non-proliferation and disarmament" adopted at the 1995 Nuclear Non-Proliferation Treaty (NPT) Review and Extension Conference. South Africa sees the negotiations on an FMT as being of particular importance given the key nature of fissile material as a component of nuclear weapons. From our perspective, the negotiations which the CD is about to commence lie at the heart of the nuclear disarmament and nuclear non-proliferation issues. By achieving control over fissile material for weapons purposes we will not only be in a position to prevent the production of further nuclear weapons, but we would also be in a position to lay the groundwork for their eventual elimination. South Africa's approach to the negotiations for an FMT will be based on the objective that the treaty to be negotiated must be an integral measure of both nuclear disarmament and nuclear non-proliferation. While recognizing the difficulties which surround the issues relating to existing military stockpiles of fissile material, it is our intention to raise the stockpiles issue, as is provided for in the Shannon report, and we will, together with the other members of the Conference on Disarmament, seek the most appropriate ways of dealing with the matter.

I now wish to turn to the specific issue of nuclear disarmament. During 1998 we have seen a number of developments - both positive and negative - on the issue.

We have seen the outcome of the summit between the Presidents of the United States and the Russian Federation, and the strategic defence review undertaken by the United Kingdom, as well as the indications of transparency which that review contains.

There was also the unsuccessful conclusion of the second meeting of the Preparatory Committee for the NPT Review Conference, although it is certainly our hope that the 1999 PrepCom will recoup the ground which was lost and successfully conclude its work.

India and Pakistan conducted nuclear-test explosions, and my Government has on several occasions made very clear its position on, and concerns about, these developments.

The Conference on Disarmament agreed to appoint the presidency to lead deliberations within the CD so as to explore how we could address the issue. It is South Africa's hope that the exaggerated fears of those who constantly warn of doom if the CD were to come anywhere near this issue have been placated. The sky did not fall in, and while it had been hoped that the Russian Duma would ratify the START II agreement by December of last year, the reason (at least as it was reported in the international media) did not have anything to do with the fact that the CD had been considering the nuclear disarmament issue, but rather as a consequence of events and actions taken which were unrelated to this body.

Eight Foreign Ministers of delegations represented in this Council Chamber came together on 9 June 1998 to issue a Joint Ministerial Declaration which contained the call for a new international agenda to achieve a nuclear-weapon-free world, through the pursuit, in parallel, of a series of mutually reinforcing measures at the bilateral, plurilateral and multilateral levels.

(Mr. Goosen, South Africa)

The fifty-third session of the United Nations General Assembly also adopted resolution 53/77 Y, entitled "Towards a nuclear-weapon-free world: the need for a new agenda". An intrinsic element of both the Joint Ministerial Declaration and the General Assembly resolution was the call upon the Conference on Disarmament to establish an appropriate subsidiary body to deal with nuclear disarmament and, to that end, pursue as a matter of priority its intensive consultations on appropriate methods and approaches with a view to reaching such a decision without delay.

In the latter context it will be recalled that on 20 January 1998 South Africa tabled before this Conference a draft decision, contained in document CD/1483, for the establishment of an ad hoc committee on nuclear disarmament. That proposal was never put to a decision in the plenary of the CD. I therefore today again wish to formally lay this proposal, which reads as follows, before the Conference:

> "1. The Conference on Disarmament decides to establish an ad hoc committee on nuclear disarmament to deliberate upon practical steps for systematic and progressive efforts to eliminate nuclear weapons as well as to identify if and when one or more such steps should be the subject of negotiations in the Conference.
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> "2. In discharging its function, the ad hoc committee will take into account existing proposals and views, as well as future initiatives on nuclear disarmament."

The text of this draft decision was very carefully negotiated so as to draw the widest possible support from among the delegations represented here. It was not the only proposal to be made. Before the CD there are also proposals which have been made by the distinguished delegations of Belgium, Canada, Egypt, Japan and members of the Group of 21. As the Presidential deliberations of 1998 clearly demonstrated, there is a desire and a willingness on the part of the broad majority of the CD, from across political groupings, to have the issue of nuclear disarmament dealt with in this body. South Africa is not intransigent on the wording of its proposal. We are more than willing to enter into intensive consultations to craft wording which would enjoy the necessary support. We are, however, convinced that to simply reinvent the "Presidency consultations" agreement of last year would be a mistake. The situation, both in the Conference itself and in the world outside, has moved on. When South Africa put forward its proposal last year, it was asked of us: "What about the fissile material negotiations?" It was clearly indicated that if there were progress on establishing the fissile material negotiations ad hoc committee, there would be a responsiveness to our concerns on the broader issue of nuclear disarmament.

As a consequence, Mr. President, I believe that it would only be fair to inform you and delegations that it is South Africa's intention to put forward the proposal contained in CD/1483 for the establishment of the ad hoc committee on nuclear disarmament at the formal meeting of the CD's plenary on 28 January 1999 for decision. The issue is of too great an importance for it to be hidden in the morass of CD procedural tactics, where

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decisions are taken behind closed doors. All delegations have had sufficient time - a year and eight days, to be precise - to consider the proposal's contents. Before that time, as I have already stated, my delegation and I stand ready to work - at times of your choosing - with you and the delegations represented here so as to achieve agreement on the exact content and wording of the decision.

To pre-empt the standing arguments which I am sure will be dusted off and rolled out for us all to hear again, let me emphasize that the wording of the draft decision was crafted carefully, so as not to raise the security concerns which are so closely associated with the nuclear disarmament issue. We believe that the necessary safeguards to achieve this have been made an intrinsic part of the wording. Nuclear disarmament is a concern of the entire international community. Substantive work in an ad hoc committee on nuclear disarmament of the Conference on Disarmament would not, and will not, undermine or threaten the nuclear disarmament negotiations between Russia and the United States. These would continue to be of paramount importance to the reduction of nuclear weapons and for their eventual elimination, and so also will future negotiations involving the other nuclear-weapon States. South Africa is opposed to so-called "linkages" as a matter of principle, and, unlike some, we have clearly, and on our own, demonstrated this. This statement is not an attempt to establish a linkage with the fissile materials negotiations. South Africa, now and in the future, fully supports the early commencement and conclusion of these negotiations.

What South Africa is seeking is a responsiveness not only to our own concerns, but to the concerns and interests of the overwhelming, and cross-group, majority of the CD. Our views are based on the firm belief that the efficient functioning of the CD can only be based on a respect for, and understanding of, the positions of others. A source of concern for South Africa has been the continuing refusal to recognize that the entire international community has an interest and a concern in nuclear disarmament. A refusal which has, inter alia, led to an inability to have this interest and concern accommodated in such forums as the Conference on Disarmament (CD). The proposal which we made last year, and which I am again formally tabling today, is intended to identify the middle ground and to avoid the trap of inaction created by the maximalist and minimalist poles which have too long dominated the nuclear disarmament debate and which have only delivered further polarization and demonstrated a paucity of results. The approach which South Africa follows squarely recognizes the challenges facing us; does not deny the steps which have been, and which are continuing to be, taken; does not avoid difficult issues, while also not seeking confrontation; and seeks to form the basis for a common approach for the achievement of the goal of eliminating nuclear weapons through existing unilateral and bilateral processes and through complementary and mutually reinforcing steps at the plurilateral and multilateral levels.

Mr. President, I thank you and wish you success during your period of office.

The PRESIDENT: I thank the representative of South Africa for his statement and for the kind words addressed to the Chair. I give the floor to the representative of Myanmar, Ambassador U Aye.

Mr. AYE (Myanmar): Mr. President, allow me first to congratulate you on your assumption of the office of President of the Conference on Disarmament at the beginning of its 1999 session. I am confident that your wide experience and diplomatic skills, amply demonstrated in your early endeavours to expedite our work for the current year, will assist us to achieve our common objectives. My delegation assures you of our fullest cooperation, and I take this opportunity to wish you every success in the fulfilment of your heavy responsibilities. I would also like to take this occasion to express our deep gratitude to your distinguished predecessor, Ambassador Ian Soutar, for the leadership and exemplary manner with which he guided our work during its critical phase last year. Our tribute also goes to the Secretary-General of the Conference, Mr. Vladimir Petrovsky, to the Deputy Secretary-General, Mr. Abdelkader Bensmail, and the secretariat for the dedication and valuable support they had rendered to us. I take this occasion to warmly welcome Under-Secretary-General Mr. Dhanapala in our midst. I take pleasure in warmly welcoming new colleagues who had joined us since we last met: the Ambassadors of Colombia, Argentina, Slovakia, Sweden, Israel and Indonesia. The work of our Conference will no doubt be enriched by the valuable skills and wealth of experience that they bring with them.

The Nuclear Non-Proliferation Treaty which entered into force nearly three decades ago prescribed obligations for non-nuclear and nuclear-weapon States alike. The non-nuclear-weapon States parties undertake not to receive, acquire, control or attempt to develop nuclear weapons. On their part, the nuclear-weapon States parties agree not to transfer, assist or induce non-nuclear-weapon States to manufacture, acquire or control a nuclear weapon. Furthermore, the nuclear-weapon States undertake to pursue negotiations in good faith to end the nuclear arms race at an early date, with a commitment to nuclear disarmament. And here I emphasize again the long-standing and as yet unfulfilled commitment of the nuclear-weapon States to nuclear disarmament.

In the more recent past, sustained efforts had been exerted by both non-nuclear and nuclear-weapon States to prevent the proliferation of nuclear weapons, leading to the historic decision to extend the Non-Proliferation Treaty indefinitely at the 1995 Review and Extension Conference. But it is imperative to recall that the decision to extend the NPT indefinitely was reached as part of a "politically binding package" comprising, inter alia, a decision on "Principles and objectives for nuclear non-proliferation and disarmament". The programme of action set out in that decision identified a comprehensive nuclear test-ban treaty, a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate aim of eliminating those weapons. We are heartened to note that the CTBT was successfully concluded in 1996, despite all its shortcomings.

(Mr. Aye, Myanmar)

Decision CD/1547 that we took last year to establish, under agenda item I, an ad hoc committee to negotiate a treaty banning the production of fissile materials was a helpful step in line with that programme of action.

But recent developments do not give us cause for optimism. START II remains stalled in the bilateral nuclear disarmament process. Furthermore, the inability of the second PrepCom for the NPT Review Conference to further the nuclear disarmament agenda has adversely affected the confidence of many of the non-nuclear-weapon States to further refine the NPT. Lately, prolonged and heated debates on how we should proceed further on non-proliferation and nuclear disarmament questions have transpired in the United Nations General Assembly, and the First Committee in particular, and in other forums as well. These developments establish beyond question that the NPT regime alone is insufficient to foster non-proliferation and nuclear disarmament goals. If the NPT is to continue to be the cornerstone of the non-proliferation regime in fulfilling its promises, it must necessarily be complemented by a further network of multilateral arrangements and agreements. While we recognize and welcome bilateral endeavours, the Myanmar delegation sees the urgent need to complement such efforts through the multilateralization of the nuclear disarmament process here in the CD.

With this growing urgency in mind, the Myanmar delegation to the United Nations General Assembly again tabled a relevant resolution 53/77 X on nuclear disarmament which was adopted with 110 votes in favour. This was no ritual exercise, and the growing number of co-sponsors is demonstrative of the need to commence multilateral negotiations in the Conference on Disarmament, as a parallel complement to bilateral negotiations, and the concept of de-emphasizing the role of nuclear weapons. Such multilateralization of the nuclear disarmament process will do more to inspire confidence and to encourage the non-parties to accede to the NPT than all other measures previously attempted.

The Conference on Disarmament last year witnessed various efforts, at times transcending traditional political boundaries, to address the question of nuclear disarmament. To my delegation's regret, such initiatives were not accompanied by the necessary political will on the part of the major players to achieve some measure of progress. Much talk has echoed in this Conference and elsewhere for the urgency to eliminate weapons of mass destruction. Yet practical results have been dismal as regard substantive measures directed toward the eventual and total elimination of nuclear weapons, which constitute the most destructive of such weapons of mass destruction. Hence, as a starting point, my delegation is in favour of establishing a full-fledged ad hoc committee on nuclear disarmament in the CD, on a priority basis, to commence substantive work on the subject. We invite others holding similar views to lend their support to this endeavour. At the same time we are prepared to listen and consider with an open mind all approaches that could rapidly achieve our common objective.

We are encouraged by the adoption of resolution 53/77 I in the last United Nations General Assembly supporting negotiations in this Conference on a treaty banning the production of fissile materials. It is our hope that the

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momentum achieved last year will continue to exist and intensify when we get down to business on this item at this crucial first part of our 1999 session. To achieve some forward movement, technical feasibilities as well as the genuine concern of all delegations present should be adequately accommodated in any future fissban treaty. I would like to take this opportunity to express our deep appreciation to the hard-working Chairman of the Ad Hoc Committee on the fissban treaty, Ambassador Mark Moher, and his delegation for their valuable work last year.

Pending the ultimate goal of total elimination of nuclear weapons, the non-nuclear-weapon States have a legitimate right to receive legally binding assurances from the nuclear-weapon States. This right is inalienable for those who have voluntarily renounced their nuclear options. Consequently we give our wholehearted support to the re-establishment of the Ad Hoc Committee on Security Assurances. We are also grateful to Ambassador Antonio de Icaza of Mexico and his delegation for his valuable contribution and leadership in the work of the Ad Hoc Committee last year.

While on the subject of security assurances, I would like to reiterate the importance of the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States in various regions of the world. Such arrangements constitute effective measures to prevent the geographical proliferation of nuclear weapons and contribute to nuclear disarmament. Moreover, they act as a mutually complementing measure which will no doubt assist in bringing about a single multilaterally and legally binding instrument on security assurances in the future. Myanmar is a State party to the South-East Asia Nuclear-Weapon-Free Zone Treaty designed by the ASEAN countries to enhance peace, security and stability in the region. While recognizing the ongoing consultations between the States parties to this Treaty and the nuclear-weapon States, I would like to take this occasion to express our hope that the nuclear-weapon States will undertake necessary measures to sign and ratify the protocol at the earliest possible date.

We are all in agreement that outer space should be utilized solely for peaceful purposes for the benefit of humanity. The existing international legal instruments relating to outer space cannot effectively address either weaponization of outer space, or prevention of any perceived future arms race in it. Recent activities for developing and funding space-related weapons or weapons systems serve as a reminder for us to take timely and substantive actions to prevent the weaponization of outer space in the future. My delegation is in favour of establishing an ad hoc committee on prevention of an arms race in outer space this year. Our special thanks go to the Special Coordinator, Ambassador Palihakkara, who exerted all efforts to present a possible draft mandate for an ad hoc committee at the end of last year's session. We believe that the draft mandate, already enjoying a wide measure of support, could serve as a basis for our future work.

We note with satisfaction the entry into force last December of Protocol II to the Convention on Certain Convencional Weapons. The Protocol prevents the use and transfer of non-detectable anti-personnel landmines, and restricts the use of non-self-destructing or self-deactivating mines to areas

(Mr. Aye, Myanmar)

which are marked and monitored. This development no doubt gives impetus to mine-clearing activities as well as efforts to reduce dangers posed by mines to civilian populations. On the subject of APLs, I would like to take this occasion to convey sincere thanks to the Special Coordinator on anti-personnel landmines, Ambassador Campbell, who concluded that further efforts should be exerted this year to achieve forward movement on the issue. We may possibly look into the topic of APLs again this year by re-establishing the office of the Special Coordinator.

For the past two consecutive years, the Conference ventured into the possibility of making improvements, through the efforts of Special Coordinators on its agenda and effective functioning. Our appreciation goes to Special Coordinators Ambassador Náray and Ambassador Illanes for their contributions. Through the earnest efforts of our Special Coordinators, we achieved more understanding of various positions and heard useful thoughts and visions. But we were unable to move forward on these issues. Mindful of a tight disarmament agenda this year, it may not be feasible to continue such exercises on these two items for the current year.

I would now like to turn to another issue of paramount importance to my delegation - that of CD expansion. We welcome the dedicated efforts last year by the Special Coordinator, Ambassador Hofer, on the issue, which resulted in establishing that, firstly, there existed a consensus in principle in favour of expansion beyond the present membership, and secondly, without prejudging the present or future requests for membership, there was a possibility of taking a concrete decision leading to an expansion of five members, representing the major regional trends, namely Ecuador, Ireland, Kazakhstan, Malaysia and Tunisia. Though this limitation to five fell short of the expectations of a great many CD delegations, including my own, we felt that this was the maximum we could achieve at the time, given the many constraints we faced. Hence it came as a great disappointment to us that the decision to admit the five was postponed to this year's session. Enough time has now elapsed and it would be unfair to delay the matter further. It is our earnest hope that the five be admitted as full members without any further delay by our taking an affirmative decision in accordance with the findings contained in Ambassador Hofer's report.

In concluding, I point out again that the 1999 disarmament calendar is heavily marked with activities of immense importance in addition to our work here in the CD. The work of the BWC Ad Hoc Group is gaining momentum and it may perhaps enter into maturity this year. It would be very demanding for smaller Geneva-based delegations with limited resources and personnel to contribute meaningfully and effectively to the important tasks entrusted to us if we are to have an over-ambitious programme of work in the CD at the same time. We should approach our programme of work with flexibility and with prudence.

The PRESIDENT: I thank the representative of Myanmar for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor? I see there are none.

(The President)

As I mentioned at the beginning of this meeting, I shall now suspend the plenary and immediately convene an informal meeting open only to the members of the Conference in order to consider the draft agenda for the 1999 session and the requests received from non-members to participate in our work.

The meeting was suspended at 11 a.m. and resumed at 11.10 a.m.

The PRESIDENT: The informal plenary meeting indicated that further consultations are required on the agenda for this session, and I hope that we will be in a position to reach consensus on it by the next plenary meeting.

I should now formally like to invite the Conference to take a decision on the requests for participation in our work from States not members of the Conference. I will read them again in the formal session: Azerbaijan, Brunei Darussalam, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Gabon, Georgia, Ghana, Greece, Guatemala, Holy See, Iceland, Ireland, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lithuania, Madagascar, Malaysia, Malta, Mauritius, Nepal, Oman, Philippines, Portugal, Qatar, San Marino, Seychelles, Singapore, Slovenia, Sudan, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Uruguay and Zambia.

May I take it that the Conference decides to invite these States to participate in our work in accordance with its rules of procedure?

It was so decided.

The PRESIDENT: This concludes our business for today. Does any other delegation wish to take the floor at this stage?

The next plenary meeting of the Conference will be held on Thursday, 21 January 1999, at 10 a.m.

The meeting rose at 11.12 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.809
21 January 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND NINTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 January 1999, at 10.15 a.m.

President Mr. Grey (United States of America)

GE.99-60389 (E)

The PRESIDENT: I declare open the 809th plenary meeting of the Conference on Disarmament.

At the outset, I should like to extend on behalf of the Conference, and on my own behalf, a warm welcome to our distinguished visitors today, the Under-Secretary of State for Foreign Affairs of Italy, Her Excellency Senator Patrizia Toia, and Mr. John Holum, Acting Under-Secretary of State for Arms Control and International Security Affairs and Director of the United States Arms Control and Disarmament Agency, who will be addressing our Conference today. Their presence among us today is yet another testimony of the continued interest of their Governments in the multilateral approach to arms control and disarmament and the importance they attach to our Conference. I am sure that their statements will be followed with great interest.

Besides the Under-Secretary of State for Foreign Affairs of Italy and the Director of the United States Arms Control and Disarmament Agency, I have on my list of speakers for today the representatives of Romania and Peru.

Once we have heard the speakers inscribed for today, I intend to take up for decision the requests from Albania, Angola, Armenia and the Libyan Arab Jamahiriya for participation in the work of the Conference as observers in 1999. I also intend to invite the Conference to consider, in an informal plenary, the draft agenda for the 1999 session. Thereafter, we shall resume the plenary meeting in order to formalize any agreement reached at the informal plenary.

I should like to inform you that the Secretary-General of the United Nations has sent me a communication transmitting all the resolutions on disarmament and international security matters adopted by the General Assembly at its fifty-third session, including those addressing specific requests to the Conference. This communication has been distributed by the secretariat and is now before you in document CD/1561.

I now invite the Under-Secretary of State for Foreign Affairs of Italy, Her Excellency Senator Patrizia Toia, to address the Conference.

Ms. TOIA (Italy) (translated from French): Mr. President, first of all I wish to congratulate you, as the representative of a country with which Italy maintains the most friendly relations, on taking up the post of President of the Conference, and to convey to you my best wishes in this difficult task. I would also like to thank Ambassador Vladimir Petrovsky, Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations, as well as the Deputy Secretary-General, Mr. Abdelkader Bensmail, for their valuable contribution and their determined commitment to ensure the efficient functioning of this important international forum. And I would also like to welcome the presence of the Under-Secretary-General of the United Nations, Mr. Jayantha Dhanapala, whose devotion to the cause of disarmament is appreciated by us all.

The Italian Government attaches the greatest importance to problems of disarmament and non-proliferation, which are fundamental elements of its security policy. This is why I wished to participate in person in the opening of the 1999 session of the Conference. Two years ago, on 21 January 1997,

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Mr. Lamberto Dini, the Minister for Foreign Affairs, was present at the opening meeting, and four years ago Ambassador Walter Gardini, the Under-Secretary of State for Foreign Affairs, made a statement at the beginning of the session at the time when Italy was taking the Chair of the Conference. The periodic and regular presence in Geneva of a representative of the Italian Government proves, if proof were needed, the interest with which the activities of this important institution are followed in Rome, and the great attention given to its deliberations with the intention of helping to overcome the differences of opinion which are natural, one might say normal, in such sensitive sectors. Yet the development of constructive initiatives is likely to be blocked if they are accompanied by basic prejudices fuelled by antagonistic positions which are outdated and inacceptable.

The Italian Government considers that the Conference must first of all maintain and even strengthen its role as a multilateral negotiating forum, consolidating its vocation to conclude universal agreements. Its influence and its prestige arise from the fact that it has always responded to the need for security expressed by the international community. I am referring, in the recent past, to the important disarmament and non-proliferation agreements resulting from the work of all the delegations participating in the activities of the Conference, such as the Convention for the Prohibition of Chemical Weapons and the Comprehensive Nuclear Test-Ban Treaty. For this reason we are in favour of more extensive participation by the countries interested in disarmament problems as a guarantee of better international representation in this institution. In this spirit we support the admission to the Conference of the countries of the European Union which have applied for membership. We feel that the Conference on Disarmament is an essential and central part of a broader architecture which, in the United Nations and its principal organs, can benefit from appropriate machinery to take up disarmament issues as a whole, with a democratic approach and in a way consistent with international legal norms.

Italy considers that arms control and reduction also has a regional dimension, and that certain problems connected with disarmament and non-proliferation can be settled in the geopolitical context where they arise. On this subject, I should like to recall the experience of the European countries. Europe, which after the Second World War lived in a state of tension and confrontation for several decades, has been able not only to develop machinery to build security and mutual trust, but also to conclude arms control and disarmament agreements which have substantially lowered the level of military equipment in the region. I am referring to the Treaty on Conventional Forces in Europe and the Dayton agreements. I would also like to mention the activities of OSCE, the Organization for Security and Cooperation in Europe, which provides a security framework for all European States on an equal footing; the development of a common foreign affairs and security policy by the European Union, which gives particular attention to disarmament and non-proliferation; and I would particularly like to underline the progressive affirmation of the concept of a European defence and security identity which

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offers Italy the possibility of pursuing the objectives of peacekeeping and the development of international cooperation, both within the Western European Union and in the Atlantic Alliance.

I would now like to look more closely at the issues relating to the Conference's spheres of competence and set out our positions on the subject. Above all I hope that the Conference will be able immediately to adopt its programme of work, the tool which enables it to use its potential to the full as the single multilateral disarmament negotiating forum, and thus arrive at international agreements capable of strengthening international security. The rules of procedure of the Conference are sufficiently flexible to enable extensive conceptual debate to take place. However, these debates should not reduce the possibility of starting negotiations on projects which are ripe to be transposed into legally binding international instruments.

In this regard, the Italian Government very warmly welcomed the decision adopted last August to start negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. For the same reasons, as a follow-up to the 1998 session, we request the immediate re-establishment of the Ad Hoc Committee and the resumption of negotiations in an atmosphere of increased global and regional confidence on the basis of the report of the Special Coordinator, and the mandate contained therein. While we are aware of the difficulties awaiting us, we are confident that the Conference will be able to make rapid progress towards the achievement of an agreement of vital interest so that the nuclear disarmament process can be intensified, become irreversible and lead to the elimination of nuclear arsenals. My Government also welcomed with satisfaction the renewed undertakings by the nuclear countries to pursue the aim of nuclear disarmament to which they are committed under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. In this respect, Italy expects a courageous and determined follow-up.

The intensification and the irreversibility of the nuclear disarmament process are objectives traditionally pursued by Italy, with a view to the final objective of the elimination of these weapons. In the past the Government of my country has given practical support to this process by assuming specific responsibilities in the framework of the negotiations which led to the prohibition and destruction of all intermediate-range nuclear missiles. Today, the Italian Government continues to support the efforts made in this area with the same determination, in line with the views of Italian public opinion and the Italian parliament, which adopted a resolution on this subject on 8 July 1998. Certain recent international events have backed us up in our perception that the disarmament process must be intensified and the non-proliferation regime strengthened by the accession of countries which have not yet signed the NPT and the Comprehensive Nuclear Test-Ban Treaty, if we are to achieve the common objective of the final elimination of nuclear weapons. I wish to take this opportunity to inform you that Italy has completed the constitutional procedure for the ratification of the Comprehensive Nuclear Test-Ban Treaty. The instrument of ratification will be lodged with the Secretary-General of the United Nations in the next few days.

Italy will exercise vigilance and will not fail to associate itself, particularly in this forum, with the specific and realistic initiatives aimed

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at speeding up the implementation of the plan of action for disarmament and nuclear non-proliferation contained in the document on "Principles and objectives" adopted by consensus in 1995 on the occasion of the Conference to Review and Extend the Treaty on the Non-Proliferation of Nuclear Weapons. The entry into force of the Comprehensive Nuclear Test-Ban Treaty, the beginning of negotiations on a treaty banning the production of fissile material, the exploitation of the momentum created by the START treaties on reduction of the arsenals of the two principal nuclear Powers, who may be joined in the future by the three other nuclear Powers, are the necessary elements of a mosaic which, once it has been completed, will coincide with the final objective of the elimination of nuclear arsenals.

We think that even when the Conference has committed itself to making progress in such difficult negotiations as those on the prohibition of the production of fissile material, it should find the necessary time and resources to tackle other important points, on the basis of an approach which will ensure a balance between nuclear and conventional issues. We are referring here to the re-establishment of the Ad Hoc Committee to negotiate effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The subject of "negative security assurances" has been discussed at length in this institution. It is our wish that the Conference should go deeper into this subject with renewed energy, in order to identify a common denominator relating to the form and the substance of the problems, while responding to the questions which everybody here is familiar with, that is: who should provide the assurances and who should benefit from them? What should they consist of? How should they be provided?

Nor have we forgotten the issues of conventional weapons, whose excessive and uncontrolled accumulation involves destabilizing effects and constitutes a threat to peace and security, as was emphasized in many resolutions adopted by consensus or with an overwhelming majority by the fifty-third General Assembly of the United Nations. In this area, we consider that the experience of the Conference on Disarmament is an indispensable heritage which the international community cannot ignore in its search for adequate and effective measures. This applies to the serious problems raised by the accumulation of and illegal traffic in small arms and light weapons, on which there have been many initiatives taken by the international community, and to which the European Union attaches the greatest importance. This is also true for the more general subject of transparency in conventional weapons, where we consider the Conference can and must complete the valuable work accomplished by the Ad Hoc Committee established between the years 1992 and 1995, to define concrete measures likely to increase confidence amongst States and strengthen international security.

Still in the area of conventional weapons, the international community has managed to adopt an important instrument prohibiting a particularly insidious category - anti-personnel mines. The Ottawa Convention, which is the result of the joint efforts of parliaments, Governments and humanitarian organizations, will come into force on 1 March next. Italy is determined to participate fully in the Maputo Conference next May and is preparing to finalize the Convention ratification process. This is a complex procedure for us, because we have to harmonize the obligations set out in the Convention

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with the particularly restrictive norms of the legislative text adopted by the Italian parliament in October 1997, which is one of the most advanced in the world.

With its national legislation, the fruit of the particular sensitivity of the Italian parliament and Italian public opinion, Italy wished to demonstrate by example its commitment to the combat against these weapons and to contribute to the further development of international humanitarian law. In this context, our country has firmly resolved to work with the whole of the international community and to contribute to the continuing improvement of the global and coordinated strategy defined by the "Ottawa process" for the complete elimination of the scourge of anti-personnel mines. For Italy this strategy lays down the objective of universal participation in the Ottawa Convention, meanwhile providing for complementary measures, consistent with the high international standard set by the Convention, which could be negotiated in an ad hoc committee set up for this purpose by the Conference.

Regarding the subject of outer space, it is possible, we believe, to achieve a reasonable compromise between those who consider the present international regime sufficient to prevent an arms race in space and those who, on the contrary, believe that this regime needs to be strengthened. In this case too, in our opinion, a pragmatic approach is preferable in order to further the work accomplished in previous years by the Ad Hoc Committee set up by the Conference. This approach should concentrate, at least in an initial phase, on defining confidence-building and transparency measures likely to strengthen international security with respect to activities in space.

The beginning of the session represents the most solemn but also the most sensitive moment in the activities of this important forum. In any area of human activity, a good beginning is fundamental to achieve efficient results. I would like to assure you that the Italian Government will continue, as in the past, to follow the activities of the Conference very sensitively and very attentively, and to promote and support any initiative likely to ensure progress in the delicate area of disarmament.

I very much hope that, thanks to the realism, the pragmatism and the flexibility of the member States, the Conference will be able to adopt straight away a programme of work in keeping with the expectations of the international community, which would find it difficult to understand and tolerate more breaks and more periods for thought. We need constructive negotiations on subjects which are ripe for multilateral agreements. These subjects exist - we know that - and I hope we will be able to complete this task as soon as possible, with the meaningful progress that is expected by public opinion, our parliaments and our Governments.

The PRESIDENT: I thank the Under-Secretary of State for Foreign Affairs of Italy for her important statement and for the kind words addressed to the Chair. I give the floor to the representative of the United States of America, Mr. John Holum, Acting Under-Secretary of State for Arms Control and International Security Affairs and Director of the United States Arms Control and Disarmament Agency.

Mr. HOLUM (United States of America): I am pleased to once again have the honour to present to this body the views of the United States as you open your 1999 session. As is customary in such an address, I would like to express my pleasure at seeing the current chairman in that position. I do so with genuine enthusiasm, based on personal experience. Having worked closely with Ambassador Grey in various capacities over many years, I can assure you, you are in good hands.

Before I begin my own remarks, it is a pleasure for me to be able to deliver to the Conference on Disarmament a message from the President of the United States, Bill Clinton. His message is as follows:

> "As the Conference on Disarmament begins its work in the new year, I want to underline the strong commitment of the United States to prompt resumption of negotiations on the next key multilateral step in the nuclear disarmament process: a treaty to ban the production of fissile material for nuclear weapons or other nuclear explosive devices. Only your focused and energetic efforts can cap, for all time, the material basis of nuclear weapons, thereby complementing your success in concluding the Comprehensive Nuclear Test-Ban Treaty, and moving another step closer to the eventual goal of nuclear disarmament. Let us devote our mutual and full support to advancing substantially the fissile material cut-off treaty negotiation this year and to completing it at the earliest possible time. At the same time, the Conference should initiate negotiations on a ban on the transfer of anti-personnel landmines, an effort that will substantially broaden the web of constraints on these weapons. I pledge the full support of the United States to Ambassador Grey and our delegation, in particular in fulfilling their responsibilities as President of the Conference in the session's opening weeks."

As foreshadowed by President Clinton's message, my comments today will focus on the negotiation of a fissile material cut-off treaty (or FMCT). How the Conference handles this issue will affect its future role as well as the future of multilateral arms control. Successful conclusion of an FMCT would bring us a large step closer to a world in which the risks and roles of nuclear weapons are further diminished, and toward our ultimate aim, the elimination of these weapons.

The CD is now poised to begin FMCT negotiations. We urge you to do so without delay. The sooner you re-establish the Ad Hoc Committee and get down to work, the sooner we will realize this long-sought objective of the international community.

The unanimous support for the cut-off resolution by the United Nations First Committee last fall underscores the continued importance the international community places on these negotiations. As recognized in the 1995 "Principles and objectives" document, the FMCT is the next practical step to be taken in multilateral arms control, and will also move the nuclear-weapon States one step farther along the road toward nuclear disarmament, in accordance with their commitments under article VI of the NPT.

What would the FMCT accomplish? How would it promote our goals?

(Mr. Holum, United States)

A cut-off treaty would create a legal, verifiable ban on the further production of the fissile materials for nuclear weapons. By imposing a finite ceiling on the amount of material for nuclear weapons, we also help cement in place a ceiling on the world's nuclear arsenals.

Sceptics may argue that the cut-off is too modest, the nuclear-weapon States have more than enough fissile material, and have halted its production in any event. But this argument is based on the faulty assumption that the current informal state of affairs is locked into place. Who can say that the international political and strategic situation will not reverse itself, creating new incentives for the nuclear-weapon States to re-embark on the production of nuclear material?

The CD can transform wishful thinking into reality. But to ensure that, we must act now, when all States are prepared to negotiate this treaty. The CD's strength and its value lies in the fact that you craft treaties and establish global norms that endure for the long term.

Just as important, the FMCT will prohibit the production of fissile material for nuclear explosives by States not party to the NPT. This, too, would be a major achievement. It would also open to strict monitoring and verification the production facilities of all States not now subject to such monitoring, and it would be a stabilizing influence in otherwise unstable regions.

An FMCT would help produce a climate conducive to continued, long-term progress on reducing nuclear weapons and nuclear weapons material. Looking beyond START III negotiations, it seems clear to us that the prospects for negotiating deeper reductions would be enhanced if we have in place a dependable cap on fissile material for weapons, as well as confidence that the international community would detect illegal production.

An FMCT also would help make nuclear arms reductions irreversible. The United States and Russia currently are pursuing verifiable means to dispose of fissile material from nuclear weapons material stockpiles and dismantled warheads, and to put such material under safeguards. These efforts will have even greater impact if unmonitored production of fissile material is banned.

But let us be frank. Reaching agreement on the benefits of an FMCT is easy. The challenge before us is to reach agreement on the myriad of issues involved in this complex, multilateral treaty. Many issues are highly technical, many require excruciating attention to detail, and most importantly, many involve delicate political and national security concerns. The Conference on Disarmament has confronted comparable challenges in the past, most recently in its negotiation of the CTBT, and has demonstrated its ability to surmount them. The United States is optimistic that, in an atmosphere of mutual respect and constructive negotiations, the CD will again prove its value by concluding an FMCT. The first obviously indispensable step is to get started promptly.

(Mr. Holum, United States)

I would like to address two key treaty elements, scope and verification, on which there will undoubtedly be a variety of positions. I will lay out United States views on these two issues and hope that other States do likewise so that we can proceed to work to narrow our differences.

Related to the scope of the treaty, let me make clear at the outset that the United States understand and shares the widespread concerns about effectively managing and irreversibly reducing existing stocks. We are taking important steps in this regard on our own, bilaterally with Russia, and on a trilateral basis with IAEA.

The United States and Russia have each declared hundreds of tons of fissile material in excess of defence needs. We are putting excess plutonium under international safeguards and IAEA is verifying the down-blending of high-enriched uranium. In cooperation with IAEA, we and Russia are working to ensure that such stocks will never again be used in weapons. We also have agreements with Russia to blend down excess high-enriched uranium for use in civil power reactors, to convert old production reactors, to construct storage facilities for weapons material and to dispose of excess plutonium. The cut-off will complement and enhance the prospects for success in each of these initiatives.

But the cut-off itself cannot be a vehicle for addressing existing stocks. The United States position is well-known - we will not agree to any restrictions on existing stocks in a cut-off treaty. The many initiatives just described provide the best means to deal with existing stocks issues.

We also note that several other key States also strongly oppose the inclusion of existing stocks. To be sure, various proposals for addressing existing stocks have been suggested, but it is hard to see how any could command consensus. Where we can find common ground is on a treaty that targets future production.

It is unrealistic to hope that a multilateral, non-discriminatory treaty where all parties are to be treated equally can directly reduce perceived regional or bilateral disparities. The United States and Russian initiatives demonstrate that at this stage bilateral efforts are an effective way to address perceived imbalances.

I also note that including existing stocks could have consequences that most of us would find troublesome. To include existing stocks in any way, even if just declarations of existing military stockpiles, could legally codify and recognize the right to have such stocks - legitimizing the nuclear-weapons programmes of States outside the NPT that made such declarations.

Likewise, the United States firmly believes that the proposal to place all military stocks under comprehensive safeguards is also unrealistic and beyond the scope of the mandate.

As with any negotiations, we must be realistic and aim for what can be achieved. We have all agreed, in accepting the Shannon mandate, in last year's United Nations First Committee resolution, and in the mandate to

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establish the Ad Hoc Committee last year, that the cut-off should ban the production of fissile material for nuclear weapons or other nuclear explosive devices. That is what we can achieve. That is what the market will bear. Let us negotiate expeditiously such a treaty. We believe it is in all of our interests to do so.

In addition to establishing the basic scope of the treaty, we must consider how to verify that States are complying with the treaty's basic obligations. As the mandate directs, the treaty will have to be effectively verifiable. Different States likely will interpret those words differently.

It will be up to you to reach agreement on how much verification is required and where to strike a balance between verification intrusiveness and protection of sensitive information. CD precedent tells us you will achieve this difficult task. But it will be a challenging one that merits considerable and sustained attention from the outset.

The mandate also says that the treaty should be non-discriminatory. The United States considers this a key provision and would not accept any arrangements that established new or special categories of countries. Also, as I have already emphasized, it should prohibit only the new production of fissile material for nuclear explosive devices. Thus, the treaty's verification provisions should focus on material produced after the treaty's cut-off date.

From these principles of verification, let me turn to specifics.

In our view, the verification regime should consist of routine monitoring and inspections, using widely applied standards and procedures and, where appropriate, standards and procedures tailored to the objectives of the treaty and the kinds of facilities involved. The regime should routinely monitor all enrichment and reprocessing facilities, as well as all so-called downstream facilities - that is, those that use, process or store newly produced material - when such material is present. It should also cover all newly produced fissile material.

Following the example of other arms control agreements, an FMCT should also include non-routine inspections with detailed managed access provisions. Managed access and possibly other mechanisms for declared and undeclared facilities and other locations will need to ensure effective verification without compromising sensitive national security information or providing information that could assist potential proliferation.

We believe that IAEA should have FMCT verification responsibilities. But lest this cause confusion, let me make clear that we believe an FMCT will complement, not replace or seek to replicate, the NPT. It could not replace a document that is, in a word, irreplaceable - and vital to the security of all peoples.

The FMCT will comprise its own unique set of obligations involving some States that have produced unsafeguarded fissile material and may very well have such material on hand. Unlike the NPT, which imposes upon States an absolute prohibition against nuclear weapons for non-nuclear-weapons States

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and a comprehensive safeguards regime appropriate for that objective, the FMCT seeks to ensure that there will be no further production of fissile material for explosive purposes.

The verification regime should be tailored to reflect the uniqueness of this treaty. We believe that the most efficient way to do that is to bring all enrichment and reprocessing facilities, as well as all newly produced fissile material, under international verification and monitoring for all time. Thus, any fissile material that is enriched or reprocessed after the cut-off date would be subject to the treaty. That will be the legacy of the FMCT and that is a legacy well worth accomplishing.

I am honoured to have appeared before this Conference at what we all expect to be the launching of the next major multilateral negotiation on the road to the elimination of nuclear weapons. The road may be rough in places, but hard work, dedication and a willingness to find accommodation will bring us a valuable and effective treaty that will make the world a safer place. Let us get down to work.

The PRESIDENT: I thank the representative of the United States of America for his statement and for the kind words addressed to the Chair. I give the floor to the representative of Romania, Ambassador Ioan Maxim.

Mr. MAXIM (Romania): Mr. President, allow me, at the outset, to congratulate you most sincerely on your assumption of the important office of President of the Conference on Disarmament. We are entering a new, challenging session which will place its burden above all on its first President's shoulders. But I am sure that your diplomatic skill, perseverance and grain of humour, coupled with the imagination and hard work of your team will soon bring tangible progress towards a smooth start to CD proceedings. Also an asset is the very competent and devoted secretariat, to which I would like to pay a tribute of appreciation and wish every success in this 1999 session. Please remain assured of my delegation's full support as you discharge your important duties of President, in the spirit of the maturing strategic partnership between the United States and Romania.

Let me also express appreciation for your predecessor the Ambassador of the United Kingdom's job well done, and address a warm welcome to our new colleagues who have joined us recently in the Conference.

As the world approaches a new millennium the signs of time are mixed. Hope dovetails with anxiety at this fin de siècle. We witness the course towards democracy, human rights and liberal economy encompassing the planet. A democratizing international society increases the overall sense of security and stability since democracies do not go to war one against another. The world has been given a historic chance to build international structures able to develop relations among States in adherence to the fundamental principles of undiminished security for all, dispute resolution by peaceful means, cooperation, transparency and openness, as well as allegiance to arms control and confidence-building measures. The shrinkage of United States and Russian nuclear arsenals, the transformation of the Nuclear Non-Proliferation Treaty into a permanent instrument in 1995, the agreement on the long-sought Comprehensive Test-Ban Treaty in 1996, the entry into force of the Chemical

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Weapons Convention and the forthcoming entry into force of the Ottawa Convention banning anti-personnel landmines, indicate that the overall security threat is on a downward course.

Yet the picture also includes a different, less gratifying aspect. Non-traditional threats are rising: terrorism, ethnic conflict, organized crime, drug trafficking, as well as the merger of explosive population growth and poverty that breeds economic stagnation and political instability. This enumeration is by no means exhaustive as it does not include one of the fiercest risks to the very existence of mankind, i.e. the proliferation of weapons of mass destruction and their means of delivery. Today, according to a shrewd analysis by Richard Betts, "the weapons of mass destruction present more and different things to worry about than during the cold war ... There is less danger of complete annihilation, but more danger of mass destruction ... there is less chance of an apocalyptic exchange of many thousands of weapons. But the probability that some smaller number of weapons of mass destruction be used is growing". And that probability stems mainly from proliferation.

1997 was, at the CD, the year of reflection. Fresh ideas, approaches and proposals were examined as the Conference attempted to define its new raison d'être after the successful conclusion of the Comprehensive Test Ban Treaty, itself a milestone on the road against proliferation.

1998 was the year of decision when previous exploratory discussions and reciprocal acquaintance with each other's positions made possible the creation of the Ad Hoc Committee mandated to negotiate an FMCT.

1999 should be the year of action. If we truly want the Conference on Disarmament to live up to its responsibilities as the sole multilateral negotiating body on disarmament and international security, let us focus our work here on halting the proliferation of weapons of mass destruction, in particular nuclear weapons. Let us start today the negotiations on a fissile material cut-off treaty! I hope that a decision in this respect will be adopted by the Conference along with its agenda. It is crucially important that member States make use of the propitious opportunity created last August, give up sterile linkages, avoid entanglements and quarrels, and commence overdue work. Romania fully supports the re-establishment of the Ad Hoc Committee on FMCT and stands ready to participate in the negotiations. For my Government this is the first priority of our activity this year at the CD.

Now, I would like to share with you some of Romania's basic views and positions concerning the upcoming negotiations. Non-nuclear-weapon States which, like Romania, do not produce fissile materials for military purposes have great stakes in the future FMCT. Consistent with the mandate contained in document CD/1547, the treaty should prohibit the production of fissile material for nuclear weapons or other nuclear explosive devices after a "cut-off" date to be agreed upon. That clearly refers to future production, not past production, although the question of past production and resulting stocks of fissile material could be raised. The treaty should not aim at prohibiting the production of fissile material for civil or non-explosive military uses, such as naval propulsion. The second basic undertaking which we expect the FMCT to include refers to the verification mechanism. It should

(Mr. Maxim, Romania)

provide for detailed accounts of the fissile material produced after the "cut-off" date; safeguards against the use of this material for nuclear-weapon purposes; timely and effective detention of any diversion of fissile material produced after the "cut-off" date, as well as of any undeclared enrichment or reprocessing after that date. At this stage we see IAEA as the best-suited agency for carrying out verification under the future FMCT.

As a matter of principle, the commitments enshrined in the treaty will have to be non-discriminatory. We shall not get, at the end of the day, a fair and viable FMCT with different sets of objectives and undertakings for different States: those who are recognized nuclear Powers; those who possess nuclear weapons but are not recognized as nuclear Powers; those having the capacity to produce fissile materials but no intention of building nuclear weapons; and those who do not fit into the above classification.

The treaty is intended to cap the amount of fissile material available for explosive military purposes not only in nuclear-weapon States, but also in those States which currently have unsafeguarded enrichment or reprocessing plants. It will thus contribute to consolidate the conditions under which the process of nuclear disarmament can broaden, will constrain the opportunities of vertical proliferation, and help prevent any future resumption of the nuclear arms race. According to the documents of the NPT Review and Extension Conference endorsed by consensus by more than 180 States less than four years ago, the FMCT constitutes the next step in the ongoing process of nuclear disarmament after the completion of the Comprehensive Test-Ban Treaty. My Government continue to see the FMCT that way as far as the multilateral framework is concerned.

The other substantive issue my country would like to see negotiated within the CD's current session refers to anti-personnel landmines. Romania is a signatory to the "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction". The conclusion of this instrument not only stands out as a humanitarian achievement, but also brings to fruition an important arms control and disarmament measure. Notwithstanding these considerations, we should not hold on to its fulfilment only in the framework of like-minded States, but venture beyond it by reaching those countries which still rely on APLs to enhance their military capabilities. This is why, in Romania's considered view, the success of the "Ottawa Process" should stimulate discussions on the APLs issue with the Conference on Disarmament, which would provide wider involvement, enabling broader implementation of its final product. The Conference on Disarmament is a forum with large representation and valuable expertise, within which participate countries with significant mine-producing capabilities, States in regions of tension, as well as States where APLs are still being retained as a military option. We therefore see complementarity, not conflict between the Ottawa Convention and the CD's work on landmines.

In this spirit, Romania maintains that an appropriate step could be the re-appointment of a Special Coordinator on landmines, entrusted with building upon the accomplishments so far and preparing the ground for the rapid

(Mr. Maxim, Romania)

establishment of an ad hoc committee to launch substantive negotiations in this field. The first goal of such negotiations could be a worldwide ban on the export of APLs, which Romania believes is entirely feasible for the CD to achieve and in line with the objective of making the "Ottawa regime" universal.

Apart from our priorities for the 1999 session, my delegation stands ready to participate in the debate concerning other aspects of interest on the agenda. Thus, for instance, we would welcome the resumption of the CD's work on the issue of transparency in armaments, a matter that has, unfortunately, for too long evaded the Conference, despite the fact that conventional weapons inflict so great a toll in conflicts and human sufferings worldwide. Yet an encouraging change was recorded last year, with the appointment of a Special Coordinator on TIA. Reiterated at the current session, this exercise could, within a reasonable time, produce more concrete results, such as the establishment of an ad hoc committee on TIA with a simple mandate of a deliberative nature. The committee will have a chance to look closely at various proposals, select those matured for debate, and prepare the ground for concrete negotiations at a later stage. Among the topics that deserve consideration within that framework, there is the idea of a "code of conduct" in conventional arms transfer. Romania is proud to have introduced within the CD, an official proposal in this respect, together with a draft code, under the symbol CD/1257. Such an instrument is intended to bring about restraint and responsibility both of exporters and recipients. It also envisages equal and undiminished security of States at the lowest levels of armaments. Basic principles of conduct, criteria to be followed in considering arms transfers or for avoiding transfers, respectively, as well as an appropriate mechanism of data sharing and consultations, should be equally examined when discussing an international instrument of this kind.

Romania also favours starting concrete work on negative security assurances, the prevention of an arms race in outer space, as well as other topics of interest to delegations around this table. Procedural issues, such as the agenda, improved and effective functioning, and membership, could be dealt with to the general benefit of the CD, its relevance and efficiency.

Some 67 years ago the illustrious Romanian diplomat Nicolae Titulescu, with his impressive foresight, said in Geneva that "the conference on disarmament will be the cornerstone of understanding among nations". At the dawn of a new millennium his words continue to resonate as this congregation is confronted with ever-challenging tasks, making understanding a spirit of compromise, mutual respect, but also boldness and imagination among its members, even more imperative in order to accomplish them.

The PRESIDENT: I thank the representative of Romania for his statement and for the kind words addressed to the Chair. I give the floor to the representative of Peru, Ambassador Jorge Voto-Bernales.

Mr. VOTO-BERNALES (Peru) (translated from Spanish): Mr. President, allow me to express the warm satisfaction of my delegation at the fact that it has fallen to you to lead the work of the Conference on Disarmament during its current session. I am convinced that your ability and dynamism will be key factors in the constructive pursuit of our work. The delegation of Peru would

(Mr. Voto-Bernales, Peru)

like to pledge to you as of now the fullest possible collaboration and cooperation in the delicate and important job you have to do. I should also like to thank Ambassador Vladimir Petrovsky, the Secretary-General of the Conference and Personal Representative of the United Nations Secretary-General and the Deputy Secretary-General, Mr. Abdelkader Bensmail, for their diligent and tireless efforts to ensure the effectiveness and proper running of the Conference.

The current session of the Conference on Disarmament is taking place at an especially significant juncture. The emergence of nuclear weapons in the closing stages of the Second World War and their subsequent development in the context of the cold war made the twentieth century the century of the nuclear threat. Today this century is coming to an end. And the nuclear threat persists. The current session of the Conference will be the last one to be held in the twentieth century. This fact is not only one of historical significance. Clear and definite. It also carries a connotation that has to do with the ethical dimension of human life. The advent of a new millennium places mankind before a quandary of profound significance. Shall we turn the twenty-first century into an arena of continuing threat and the nuclear arms race? Or will the international community take up the responsibility of turning the new century into an arena that will allow, sooner rather than later, the elimination of the nuclear threat? The eradication of all nuclear arsenals? The end of the greatest danger that human beings have ever accumulated against their own existence and survival?

The great technological and scientific progress of this century has had contrasting effects: extraordinary consequences to extend, sustain and improve human life, and on the other hand the use of this same knowledge to manufacture weapons of mass destruction. These should be the subject of our most decisive and resolute action for their complete elimination as soon as possible. This is no rhetorical question. These are simply the terms of reference whereby the nuclear issue should be addressed within the current international context. Either we opt for the survival of the doctrines and strategies of nuclear deterrence anchored in the existence of nuclear power or we responsibly address the characteristics of the new international system and opt for the total and complete eradication of nuclear arsenals and the end of their production and deployment. This is the real and concrete quandary that the international community must respond to.

The current session of the Conference on Disarmament has the virtue of contrasting the daily elements of its work with the structural and historical dimension involved in the advent of a new millennium. A responsible approach to these challenges requires us to address comprehensively the various international negotiating processes in the field of disarmament. It is a complex task which is in harmony with the interests of the entire international community. This sense of responsibility also entails the need to safeguard the viability of nuclear disarmament in all phases of the process, preserving at all times the requirements of security of the system, bilaterally as well as regionally and multilaterally.

For Peru, a developing country, a member of the first zone of nuclear non-proliferation set up in the world, the exercise of this responsibility presupposes a balanced approach. Disarmament, and nuclear disarmament in

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particular, affect the interests of all States. Hence we require an open-mindedness that will enable us to reconcile diverse and in many cases divergent interests. We have to combine our efforts and avoid selectivity. It is up to the Conference on Disarmament, at the current juncture, to adopt an approach of this kind in order to pave the way for renewed dynamism. During 1998 a crucial step was taken to this end. The agreement to begin negotiations designed to secure a treaty eliminating and prohibiting the production of fissile material for nuclear weapons and other nuclear explosive devices certainly constitutes a token of political will which is positive and constructive. The setting up of an ad hoc committee to carry these negotiations out is also an initiative that Peru has backed, aware of the meaningful importance and urgency of the outcome. However, this important commitment is part of a larger effort that must necessarily be comprehensive and must encompass all pending processes. From essential issues pertaining to the implementation of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (Start II) and the negotiations on Start III, the effective implementation of the Non-Proliferation Treaty, to the creation of new denuclearized zones, especially. And that larger effort has nuclear disarmament as one of its essential components. It is an imperative of contemporary international relations that States possessing nuclear weapons and those that have the ability to produce them should begin an irreversible process for their total and complete elimination.

Measures involving the limitation of nuclear-weapon arsenals, selective or limited nuclear disarmament, and non-proliferation agreements, have been and are, obviously, highly valuable positive actions and measures. But they are necessarily temporary and provisional in nature, even though we recognize the vast complexity of the process. They cannot replace or substitute for the only effective guarantee that mankind has against the nuclear threat: the elimination and banning of all existing nuclear weapons and their delivery systems. This observation constitutes in turn the conceptual and practical principle that should guide the entire process designed to establish a nuclear-weapon-free world. If we accept this principle, nuclear disarmament measures cannot turn into an end in themselves but rather into transit stops on the path to total and complete nuclear disarmament. We should not stabilize in time a situation in which the struggle against nuclear weapons is maintained, indefinitely, on the basis of the management of existing nuclear arsenals.

The real elements of the new international situation indicate that, if specific commitments are not entered into for the total eradication of nuclear weapons, the risk of proliferation and even of a nuclear accident will always be a real possibility. In that regard, Peru maintains that there is a need to invest the nuclear disarmament process with greater credibility. It is necessary for the nuclear Powers to commit themselves directly to this objective and assume specific obligations to eliminate vertical proliferation. It is necessary to remove non-strategic nuclear weapons from their current locations and to avoid any type of scientific and technological cooperation that, directly or indirectly, might encourage or contribute to horizontal proliferation. States with a nuclear capability should also contribute to this process by ceasing all types of activity designed to develop or deploy nuclear weapons, acceding to the Treaty on the Non-Proliferation of Nuclear Weapons and renouncing the nuclear option. All the same, it is a paradox that

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in 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, mankind has had to confront nuclear tests coming from two States that are neighbours. Given this situation, it is essential for all States that have not yet done so to sign and/or ratify the Comprehensive Nuclear Test-Ban Treaty, especially those with a nuclear capability.

The United Nations General Assembly has responded to these events. This and only this is the purpose of resolution 53/77 X, co-sponsored by a large number of countries, including Peru, positing the need for a new programme for a world free of nuclear weapons. The General Assembly has also reiterated its request to the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament at this session. This committee should begin negotiations in 1999 on a phased programme of nuclear disarmament to eliminate these weapons once and for all within a set time-frame. The delegation of Peru believes that this decision should be adopted by the Conference. To that end it believes that an open-minded approach to reconciling the various positions is the most pragmatic and surest way. On the opening day of the Conference a specific initiative was presented to this end. My Government considers that this initiative forms a constructive basis for negotiations. The path of flexibility and understanding among all the parties should open up promising prospects for the creation of the ad hoc committee. At the same time, for the global process of nuclear disarmament to acquire greater credibility and sustainability, it will also be necessary to have a multilateral, universal and legally binding instrument granting non-nuclear States negative security assurances. That is to say, a formal and specific commitment on the part of the nuclear-weapon States that they will not use or threaten to use nuclear weapons against countries which do not possess them.

The international security and disarmament agenda, as well as the programme of work of this session of the Conference, also includes other priority areas such as the efforts being made by the international community to eradicate anti-personnel mines. A positive sign in the recent development of issues relating to international security was the signature of the Convention on the prohibition of anti-personnel landmines in December 1977. The entry into force of this legal instrument, planned for March this year, will give the international community a proper legal regime to deploy all possible efforts to remove or destroy the hundreds of thousands of mines deployed in all regions of the world. The delegation of Peru urges the States that have not yet done so to accede to the Convention. The entry into force of the Convention will make it possible to implement the commitment that never, under any circumstances, should States use anti-personnel mines, develop, produce, acquire, stockpile, retain or transfer them; that they should proceed to destroy the stockpiles of all anti-personnel mines at the latest within a four-year time-frame, and those deployed in mined zones within a period of no longer than 10 years; and that they should boost international cooperation, without any undue restrictions, for mine clearance and the care and rehabilitation of victims. Consequently, Peru backs any initiatives to be set in motion within the Conference on Disarmament for the purpose of strengthening the international regime for a complete ban on anti-personnel mines.

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Within the spirit of the Convention, and in order to strengthen mutual trust following the final peace treaty signed in Brasilia in October 1998, Peru and Ecuador have agreed on the removal and destruction of all anti-personnel mines placed along their border. We are convinced that the international community will make a decisive contribution and cooperate to support this mine clearance programme. We thank those countries that have pledged financial contributions for the achievement of this purpose, such as Canada, Japan and Spain.

Disarmament and security concern all States. A democratic vision of international relations likewise requires the broadest possible participation in processes of consultation and negotiation on the subject of disarmament. For this reason Peru has always supported the possibility of open accession to the Conference on Disarmament. We are aware that this purpose will be achieved only progressively. But at the same time, we consider that the expansion of the membership of the Conference constitutes a positive and constructive factor. Hence we fully back the entry of Ecuador, Ireland, Malaysia, Kazakhstan and Tunisia as fully-fledged members of the Conference at this session.

Mr. President, the challenges offered by the new millennium will certainly be an occasion for global and forward-looking analyses of disarmament and national security. But above and beyond their relevance, it is essential also for this to be expressed in the more concrete and specific questions at the current session. The delegation of Peru harbours the hope that at this session we shall positively resolve the handling of crucial items on our agenda, such as the item relating to the setting up of the ad hoc committee on nuclear disarmament. Your efforts in the Chair will, we are convinced, contribute to this common goal.

The PRESIDENT: I thank the representative of Peru for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor?

I should like to inform you that further requests have been received from Albania, Angola, Armenia and the Libyan Arab Jamahiriya for participation in the work of the Conference as observers during 1999. With your agreement, I should like to invite the Conference to take a decision on these requests without considering them first at an informal plenary meeting. These requests are contained in document CD/WP.500, which is before you. May I take it that these requests are acceptable?

It was so decided.

The PRESIDENT: As I announced at the beginning of this meeting, I shall now suspend the plenary meeting and immediately convene an informal meeting to consider the draft agenda for the 1999 session.

The meeting was suspended at 11.25 a.m. and resumed at 11.33 a.m.

The PRESIDENT: The 809th plenary meeting is resumed.

In accordance with the agreement reached earlier at the informal plenary meeting, may I take it that the Conference decides to adopt for its 1999 session the same agenda as in 1998, which is before you?

It was so decided.

The PRESIDENT: This agenda will be issued as an official document of the Conference by the secretariat (CD/1562).

In connection with the adoption of the agenda, I, as President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda.

With the adoption of our annual agenda, the Conference is now ready to embark on its substantive work. Our immediate task now is to translate this agenda into a programme of work, and I will intensify consultations with a view to developing an overall approach to our work that would adequately reflect the goals and interests of all delegations. It is my sincere hope that in this process the complex and balanced compromises reached at the end of last year will be taken fully into account, and that all opportunities will be used to further enlarge the areas of consensus.

This concludes our business for today. Does any other delegation wish to take the floor at this stage?

The next plenary meeting of the Conference will be held on Tuesday, 26 January 1999, at 10 a.m. As you are aware, at that plenary meeting the Secretary-General of the United Nations, Mr. Kofi Annan, will address the Conference, and I would therefore kindly request you all to be present at 10 a.m.

The meeting rose at 11.35 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.810
26 January 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND TENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 January 1999, at 10.05 a.m.

President: Mr. Grey (United States of America)

GE.99-60443 (E)

The PRESIDENT: I declare open the 810th plenary meeting of the Conference on Disarmament.

At the outset of our meeting, allow me to express on behalf of the Conference our profound sympathies and condolences to the people of Colombia in relation to the recent tragic earthquake and loss of life.

I would now like to extend, on behalf of the Conference and on my own behalf, a warm welcome to His Excellency the Secretary-General of the United Nations, Mr. Kofi Annan, who will be our first speaker today. We all recall that two years ago, very soon in his term as Secretary-General of the United Nations, Mr. Kofi Annan made it a point to deliver a major statement to this Conference. I am sure we are all very grateful to the Secretary-General, who, despite his extremely heavy schedule, has found it possible to once again address our Conference. His presence among us yet again today is proof of his personal interest in the issues of arms control and disarmament and of the importance he attaches to our forum. I am certain that I speak for all of us when I express my conviction that the presence of Mr. Kofi Annan today will give decisive impetus to our work.

In addition to the Secretary-General of the United Nations, I have on my list of speakers for today the Ambassador of Egypt.

I invite the Secretary-General of the United Nations, Mr. Kofi Annan, to make his statement.

Mr. ANNAN (Secretary-General of the United Nations): Let me begin by congratulating you, Mr. President, on assuming the leadership of this important forum at such a critical juncture in world history.

When I addressed you in 1997, and again, later that year, when I submitted my reform programme to the General Assembly, I stressed the central importance of disarmament in the global agenda, and the primary responsibility for it which falls on the United Nations. I am glad that Member States endorsed my proposal to reorganize the Secretariat's disarmament activities. The newly re-established Department for Disarmament Affairs has only limited human resources. But it is now diligently implementing the mandates entrusted to it, which include the servicing of this Conference.

Your Conference is now 20 years old. It is the single multilateral disarmament negotiating forum of the international community, and it now comprises all militarily significant States. This is a good moment to look back, to assess our experience so far, and to learn from it so that we can better face the new challenges ahead.

Your Conference can take pride in having produced two major international legal instruments, which have greatly contributed to the search for a world free from the threat of weapons of mass destruction: the Chemical Weapons Convention in 1992 and the Comprehensive Nuclear Test-Ban Treaty in 1996. The former entered into force in 1997, and I am glad to say its

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implementation is well under way. The latter has now been signed by 151 States, including all five nuclear-weapon States, and has been ratified by 26, including two nuclear-weapon States. As depositary of these two instruments, I shall continue to urge all States that have not yet ratified or acceded to them to do so, in order to ensure their universality.

Just two multilateral agreements may seem a meagre harvest after 20 years of work, especially when there are so many other issues in your field which cry out for joint action at the global level. But the value of your Conference cannot be measured simply by counting the treaties it produces. Before multilateral negotiations can even start, you have to create the right political conditions. That means holding long in-depth discussions, and doing a great deal of technical spadework.

There is always a "pre-negotiating" stage, in which some shared understanding is reached that a security problem exists, that it has certain dimensions, and that it must be addressed multilaterally. This process may be arduous and time-consuming, but without it there is no guarantee that the end product, that is to say, treaty-making, will take the security concerns of all parties into consideration. And an agreement which fails to do that will ultimately be neither universal nor effective.

A case in point is the hard work it took to develop consensus that this forum should deal with the important issue of a ban on the production of fissile material for nuclear weapons or other nuclear explosive devices. That work was rewarded last year, when you decided to set up an Ad Hoc Committee to negotiate such a ban. And the consensus was further strengthened this year, when the General Assembly adopted, without voting, a resolution endorsing that decision.

You must now make full use of the momentum thus created, and embark on meaningful negotiations for a non-discriminatory, multilateral and effectively verifiable treaty. By so doing, you will greatly help the cause of nuclear non-proliferation, and the process of general nuclear disarmament.

In the same cause, it is important to establish effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Your decision to consider this in the framework of an ad hoc committee is an important step in this direction. Security Council resolutions 225 of 1968 and 984 of 1995, together with the unilateral declarations made by the five nuclear-weapon States, provide a good framework for solving this important issue. However, further steps are needed to harmonize the unilateral security guarantees offered by the five nuclear-weapon States in a single legally binding instrument.

The issues we have to address in the field of arms limitation and disarmament are vast and complex. So we cannot afford to ignore any possible avenue, whether bilateral, regional or global. During the past few years, concerned Member States have made praiseworthy efforts to consolidate existing

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nuclear-weapon-free zones - notably those in Africa and South-East Asia - and to move towards the establishment of other such zones, for instance in Central Asia.

Meanwhile, States parties to the Biological Weapons Convention have been intensifying their efforts to seek ways and means of reinforcing its authority by working out a verification regime. That task is horrendously complex, but the stakes are high indeed. Their efforts deserve the support and cooperation of all.

Anti-personnel landmines are another source of acute concern to the international community. So it is good news that the Amended Protocol II to the Convention on Certain Conventional Weapons - a partial ban on landmines - entered into force last month, while the Ottawa Convention will enter into force in a little over one month's time. Preparations are already under way for a first meeting of the States parties to those two Conventions during this year. We must do everything we can to ensure that as many States as possible adhere to both of them, and as soon as possible. And I earnestly hope your own efforts in this field will soon result in a decision to start negotiations on a ban on transfers of these barbaric weapons.

The flow of small arms and light weapons circulating in civil society, especially in regions where State structures are fragile, is now also receiving wide international attention. And more and more people are now working to build a global consensus on monitoring and controlling illicit arms transfers. I therefore welcome the decision taken by the General Assembly, in its current session, to convene an international conference here in Geneva on all aspects of the illicit arms trade, not later than the year after next.

But all these positive developments, important as they are, should not blind us to the fact that the global disarmament agenda is very far from complete. The underground nuclear tests conducted last year by India and Pakistan were a highly disturbing development and a source of concern for the world community. I immediately urged those States to refrain from further nuclear testing, to adhere to the Comprehensive Nuclear Test-Ban Treaty, to refrain from deploying nuclear weapons and to freeze their weapons development programmes, as well as the development of missiles capable of delivering nuclear weapons.

I therefore warmly welcomed the declarations of intent to adhere to the Comprehensive Nuclear Test-Ban Treaty which the Prime Ministers of both countries made in the General Assembly last September. I very much hope that both Governments will be able to act on those declarations in the course of this year.

Meanwhile, there are difficulties in the preparatory process leading up to next year's Review Conference of the States Parties to the Nuclear Non-Proliferation Treaty. Taken together, these developments remind us all just how fragile the nuclear non-proliferation regime is, unless and until it is buttressed by more determined efforts to reduce existing nuclear arsenals,

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with a view to their ultimate elimination. Such efforts would undoubtedly benefit from the early ratification of START II by the Russian Federation and its entry into force as soon as possible.

The international community has rightly identified nuclear disarmament as a high priority. Your Conference has before it a number of proposals for mechanisms to deal with this issue. I trust that during this session you will reach consensus on the ways in which the Conference can best contribute. One concept which is now widely shared is that of maintaining outer space as a weapons-free environment. Currently, over 30 countries are engaged in space-related activities, and more are moving in that direction. Technology, too, continues to evolve rapidly, especially in the area of ballistic missiles.

Of course, technology can also help. Space-based remote sensing makes an important contribution to the monitoring and verification of multilateral disarmament agreements. But that in no way diminishes the importance of your efforts to codify principles which can ensure that outer space remains weapon-free.

The history of successive multilateral disarmament forums shows that they were able to evolve over the years in response to changed political realities. This evolution affected all aspects of disarmament negotiating bodies: their composition, their agenda and their working methods. The Conference on Disarmament is no exception in this respect. You have a record of endeavour and of lasting achievement, of flexibility and expertise. You must live up to that record by continuing to play a leading role in the work of building a world which no longer relies on weapons for its security.

Once again, I pledge that your efforts will have the full cooperation of the United Nations Secretariat; and I wish you a productive and successful session.

The PRESIDENT: I thank the Secretary-General for his important statement. I shall now suspend the plenary meeting for five minutes so that the Secretary-General of the Conference and myself may escort the Secretary-General out of the room.

The meeting was suspended at 10.20 a.m. and resumed at 10.25 a.m.

The PRESIDENT: The plenary meeting is resumed. I now give the floor to the representative of Egypt, Ambassador Zahran.

Mr. ZAHRAN (Egypt) (translated from Arabic): I wish first, Ambassador Grey, to express to you my delegation's congratulations on your assumption of the presidency of the Conference on Disarmament at the beginning of its 1999 session. I am confident that your diplomatic skills and experience, as well as your positive and energetic approach, will speed up the start of the substantive work of the Conference following the adoption of its agenda last week. I wish on this occasion also to assure you of the full cooperation of my delegation and to express to you our best wishes for success

(Mr. Zahran, Egypt)

in your tasks. I would also take this opportunity to express our sincere gratitude to your predecessor, Ambassador Ian Soutar of the United Kingdom, who guided the work of the Conference admirably throughout the final part of the 1998 session. Furthermore, I would like to pay tribute to Mr. Vladimir Petrovsky, the Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the United Nations, as well as his deputy, Mr. Abdelkader Bensmail, and all the members of the secretariat for their contribution in facilitating the work of this Conference. I would like also on this occasion to welcome our new colleagues who have recently joined us at the Conference on Disarmament, namely Ambassador Reyes Rodríguez of Colombia, Ambassador González of Argentina, Ambassador Suchánková of Slovakia, Ambassador Molander of Sweden, Ambassador Peleg of Israel, Ambassador Wirajuda of Indonesia and Ambassador Rodríguez Cedeño of Venezuela. I extend to all of them my best wishes for success during their work in Geneva.

We have listened with great interest today to the important statement made by Mr. Kofi Annan, Secretary-General of the United Nations, in which he referred to a number of essential principles in the field of disarmament. I would like to take this opportunity to express to the Secretary-General our full appreciation of the important elements to which he referred, as well as to reiterate Egypt's firm commitment to work earnestly and diligently for the achievement of the objectives of general and complete disarmament with minimum defence requirements being assured at the regional level, and the elimination of all weapons of mass destruction, particularly nuclear weapons, in accordance with the priorities adopted by the international community at the first special session of the General Assembly devoted to disarmament in 1978.

Mr. President, your presidency of the Conference on Disarmament comes at a vital stage at the beginning of the 1999 session, a time of increasing challenges and rising hopes. The past year has witnessed some serious setbacks for the global non-proliferation regime, but also demonstrated the indisputable desire of the international community to overcome these challenges by finally and irrevocably ridding the world of all nuclear weapons. The first step along this road is undoubtedly the fulfilment by the nuclear-weapon States of their responsibilities under article VI of the Non-Proliferation Treaty.

In the statement I made on behalf of Egypt at the Conference on Disarmament on 26 March 1998, ahead of the second session of the NPT PrepCom, I warned that the persistence of the attitudes adopted by a few countries in the Conference on Disarmament would block negotiations on nuclear disarmament in the Conference and jeopardize the outcome of the second session. Today I can only reiterate the same words of caution in the hope that we have all learnt a lesson from the failure of the second session. It is essential to review the extent of the progress achieved in the application of all the decisions and resolutions on the Middle East upon which the indefinite extension of the NPT was based. I certainly hope we will exert earnest efforts to avoid a repetition of the same results at the meetings of the third PrepCom in the spring of this year.

(Mr. Zahran, Egypt)

The ultimate goal of the 1968 NPT was the total elimination of nuclear weapons. The preamble and article VI of the NPT are clear in this regard. Article VI states that - and I quote in English:

(continued in English)

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament."

(continued in Arabic)

We accepted this in 1968, trusting that, after a maximum period of 25 years, that is to say in 1995, this objective would be attained. Since 1968, however, this "early date" has not yet come. Against this background the nuclear-weapon States should listen to the voices of billions of people around the world. They should listen to the message delivered to them loud and clear by non-governmental organizations. They should also listen to the advisory opinion of the International Court of Justice which stated in 1996 - and I quote again in English:

(continued in English)

"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

(continued in Arabic)

The nuclear-weapon States should listen to the voice of reason instead of formulating unconvincing arguments, especially in this post-cold-war era. Reason dictates that the time has come to establish an ad hoc committee on nuclear disarmament for negotiations in the Conference on Disarmament on a treaty to eliminate nuclear weapons from all parts of the world. A number of constructive proposals have already been tabled regarding the mandate of such an ad hoc committee. The Group of 21 as well as a number of the members of the Conference on Disarmament, such as Egypt, South Africa and Algeria, have tabled specific proposals for such a mandate.

In this connection, Egypt submitted a proposal to the Conference on Disarmament (document CD/1453 dated 1 April 1997) containing a draft mandate for the ad hoc committee which took into account the various concerns of States. It called for parallel negotiations on a phased programme for the complete elimination of nuclear weapons and a comprehensive agreement banning the production of fissile material for nuclear weapons and other nuclear explosive devices pursuant to paragraph 4 of the decision on "Principles and objectives" of the 1995 NPT Review and Extension Conference. In the light of our 1998 decision to establish an ad hoc committee under item 1 of the agenda, entitled "Cessation of the nuclear arms race and nuclear disarmament", to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (a committee whose re-establishment

(Mr. Zahran, Egypt)

we support within the context of this year's programme of work), the Egyptian delegation has further developed its previous proposal in such a way as to limit it to the mandate of the ad hoc committee on nuclear disarmament, because the part concerning a ban on the production of fissile material has already been dealt with. Let me read this new proposal to you in English.

(continued in English)

"Draft mandate for an ad hoc committee on nuclear disarmament

"The Conference decides to establish an ad hoc committee under agenda item 1 on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament with the objective of the complete elimination of nuclear weapons.

"In discharging its function, the ad hoc committee will take into account the proposal for a programme of action for the elimination of nuclear weapons submitted by 28 members of the Conference belonging to the Group of 21 (CD/1419) as well as any other existing proposals and future initiatives in this regard."

(continued in Arabic)

Therefore, Sir, I would like to request the secretariat to distribute this new Egyptian proposal as an official CD document to be taken into account, together with any other proposals, in the Conference's deliberations.

The programme of action for the elimination of nuclear weapons, which I had the honour to submit to the Conference on Disarmament on 8 August 1996 on behalf of 28 delegations from the Group of 21, is an important input intended to contribute to the start of negotiations in the ad hoc committee on nuclear disarmament once it is established by the Conference on Disarmament. This programme of action recognizes that there is a need for active multilateral efforts to identify, negotiate and implement specific step-by-step measures for the complete elimination of nuclear weapons at both the regional and international levels. The programme of action also contains concrete measures to be taken by the ad hoc committee on nuclear disarmament in three phases, the last of which takes us up to the year 2020. Furthermore, the report of the Canberra Commission and any other proposals could also be taken into consideration when negotiating a phased programme of nuclear disarmament with the objective of implementing the NPT provisions and responding to the will of the international community. Progress must be achieved in this field if we wish to ensure the success of the 2000 NPT Review Conference.

In response to the pressing desire of the international community, and in order to effectively meet the challenges facing the global non-proliferation regime, the Ministers for Foreign Affairs of eight countries, namely Ireland, Brazil, South Africa, Slovenia, Sweden, Mexico, Egypt and New Zealand, issued a declaration on 9 June 1998 entitled "Towards a nuclear-weapon-free world: the need for a new agenda". This declaration was officially presented to the Conference by the delegation of Sweden on behalf

(Mr. Zahran, Egypt)

of the eight States on 11 June 1998. The international community adopted the principal ideas contained in this declaration in the form of General Assembly resolution 53/77 Y, which was adopted by an overwhelming majority. The resolution called for the pursuit, in parallel, of a series of mutually reinforcing measures at the bilateral, plurilateral and multilateral levels. All these measures have become necessary and can brook no procrastination or delay. The Conference on Disarmament was specifically called upon to take a number of these measures, such as the establishment of an appropriate subsidiary body to deal with the question of nuclear disarmament as well as to pursue its negotiations on a ban on the production of fissile material, taking into consideration both nuclear non-proliferation and nuclear disarmament objectives. The resolution further called for the conclusion of an internationally legally binding instrument to effectively assure non-nuclear-weapon States parties to the NPT against the use or threat of use of nuclear weapons. I wish, in this regard, to emphasize Egypt's resolve, in cooperation with others, to follow up on these essential steps in the Conference on Disarmament.

Egypt's support for the re-establishment of an ad hoc committee under item 1 of the agenda, entitled "Cessation of the nuclear arms race and nuclear disarmament", to conduct negotiations on a convention to prohibit the production of fissile material, comes within the context of the preparation of a comprehensive programme of work which includes all the major issues on the agenda. For such a convention to achieve its objectives, it should include substantive and practical measures for nuclear disarmament. The scope of such an international document should therefore cover all fissile material potentially usable in the manufacture of nuclear weapons or other nuclear explosive devices throughout the world, including the military stocks of these materials possessed by all States, on an equal footing.

One of the principal characteristics of such an international instrument must be its non-discriminatory nature in the sense that a uniform regime for strict international verification should be applied to all States and to all facilities capable of producing fissile material in all States without exception. On the other hand, such a treaty must be internationally and effectively verifiable, which means that the international instrument to be negotiated should be based on absolute transparency, which implies that all facilities anywhere in the world that are involved in the process of the production or storage of fissile material must be subject to a strict regime of control and inspection. In other words, the entire nuclear fuel production cycle must be placed under such an international regime. It is also essential to create or develop a reliable regime to detect any undeclared nuclear installations or undeclared stocks of fissile material.

No potential treaty or convention banning the production of fissile material can imply any form of de jure or de facto international recognition or acceptance of the possession of nuclear weapons by any State not a member of the Non-Proliferation Treaty or of the indefinite possession of such weapons by the five nuclear-weapon States specified in the NPT. On the contrary, any international instrument to be negotiated should clearly and

(Mr. Zahran, Egypt)

unambiguously call upon all Stats to accede to the NPT in order to achieve the objective of the elimination of nuclear weapons, as stipulated in article VI of the NPT, within a predictable time-frame.

The best and most comprehensive nuclear security assurances will be provided only when the international community has achieved the objective of a nuclear-weapon-free world. Until this dream becomes a reality, and in order to save mankind from the nightmare of the use or threat of use of nuclear weapons under the present discriminatory nuclear non-proliferation regime, and to ensure respect for the most sacred human right, namely the right to life, the non-nuclear-weapon States are in dire need of effective legally binding security assurances. The assurances given to non-nuclear-weapon States on a unilateral or plurilateral basis by the five nuclear-weapon States, which are referred to in Security Council resolutions 255 and 984, fail to meet the security requirements of the non-nuclear-weapon States since they are conditional, non-comprehensive, not legally binding and have not been negotiated multilaterally. Hence, the Conference on Disarmament must implement the decision on "Principles and objectives" adopted by the NPT Review Conference in 1995 by starting serious negotiations on a multilateral and legally binding instrument to provide non-nuclear-weapon States with such complete assurances as soon as possible. To this end, we are in favour of the re-establishment of an ad hoc committee to negotiate security assurances for non-nuclear States during the 1999 session, in accordance with General Assembly resolution 53/75, which was adopted without opposition and which recommended that the Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. We believe that the said ad hoc committee should build upon the work that was achieved during the Committee's last session under the chairmanship of Ambassador de Icaza of Mexico, who exerted creative efforts to define the points of agreement and the points that required more thorough consideration. It is therefore necessary that the Committee should begin to consider, during the present year, the drafting aspects of the required international instrument.

Under item 5 of the agenda of the Conference on Disarmament, entitled "New types of weapons of mass destruction and new systems of such weapons: radiological weapons", the delegation of Egypt wishes to voice its concern at reports that some States are currently in the process of developing new generations of other types of weapons of mass destruction. We find it disturbing that this category is no longer confined to the radiological weapons taken into account in SSOD-1 in 1978. During the 1998 session the delegation of Egypt requested that UNIDIR should undertake a study on radiological weapons in order to assist the Conference on Disarmament in this respect. Today, the delegation of Egypt renews this request with the further stipulation that the study to be prepared by UNIDIR should include any other categories of weapons of mass destruction being developed in the laboratories and research centres of any State. These considerations have prompted us to call for negotiations on a legally binding international convention to ban the production or development of any other categories of weapons of mass destruction as alternatives to biological, chemical or nuclear weapons. It is

(Mr. Zahran, Egypt)

opportune to recall in this context President Muhammad Hosni Mubarak's proposal not only to establish an area free of weapons of mass destruction in the Middle East but also to convene an international conference to ban the production or use of weapons of mass destruction anywhere in the world.

General Assembly resolution 53/76, which is presented jointly to the First Committee every year by Egypt and Sri Lanka, called upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective which could lead to the militarization of outer space. This resolution also invited the Conference on Disarmament to re-establish the ad hoc committee on that subject and to update the mandate of that committee with a view to beginning negotiations on the conclusion of a multilateral agreement or agreements on the prevention of an arms race in outer space in all its aspects. We believe that it is necessary to build upon the excellent efforts of Ambassador Palihakkara of Sri Lanka, the Special Coordinator on this issue during the 1998 session and speedily move towards the establishment of an ad hoc committee which will take into consideration the progress made in the ad hoc committee which the Conference established at its previous sessions.

Egypt also believes that the issue of transparency in armaments must be dealt with as a comprehensive and non-discriminatory confidence-building measure in such a way as to cover all kinds of armaments. Egypt regrets that all the efforts made to expand the scope of the United Nations Register have not yet yielded the required results since the Register remains limited to the annual notification of transfers of seven categories of conventional arms and continues to disregard other sophisticated and lethal types of conventional arms as well as weapons of mass destruction and advanced technologies with military applications. Moreover, the Register does not cover stockpiles of weapons or procurement from local production. That is why, at the fifty-third session of the General Assembly of the United Nations, Egypt submitted to the First Committee a draft resolution on transparency in armaments, which was adopted by the General Assembly as resolution 53/77 S, in order to highlight the need for a comprehensive approach that would ensure full transparency in regard to all types of armaments.

We would welcome consideration of the various aspects of transparency in armaments during the 1999 session of the Conference on Disarmament with a view to bridging the gap between the differing viewpoints and addressing the security requirements of all member States, including those not participating in the Register. In order to build upon the commendable efforts made by Minister Plenipotentiary Pavel Grecu of Romania, the Special Coordinator on this issue during the 1998 session, the Egyptian delegation believes that there is a need to establish an ad hoc committee to negotiate on the issue of transparency in armaments, as stipulated in the programme of work proposed by the Group of 21 during the 1997 session, so that transparency would become complete, thereby constituting a confidence-building measure as well as an early warning of the military capabilities of all States, which would highlight cases in which an accumulation of such capabilities posed a threat to international peace and security at both the regional and international levels.

(Mr. Zahran, Egypt)

Egypt is one of the most heavily mined countries in the world, with about 23 million landmines laid on Egyptian soil by foreign Powers during the Second World War and the Middle East conflict. The clearance of these mines is of high priority to Egypt in order to provide the necessary security for our civilian population and resolve this serious humanitarian problem, which is also impeding the implementation of numerous economic and social development projects in Egypt. The full technical and financial responsibility for clearance of these mines should be assumed by the foreign Powers which laid them.

Egypt is aware of the magnitude and severity of the problems related to the proliferation of anti-personnel landmines in the world, and particularly in Africa. This is primarily a humanitarian issue. However, we believe that measures to ban landmines should be accompanied by serious and concrete steps towards mine clearance in affected countries, especially those which are unable to achieve this objective unaided. Therefore, it is essential to provide the financial and technical support and transfer the advanced technology needed to help these countries to overcome this humanitarian and security problem. This should be taken into consideration in the negotiating mandate of the Conference on Disarmament. In this connection, I would like to refer to World Health Assembly resolution WHA51.8, adopted on 16 May 1998 and entitled "Concerted public health action on anti-personnel mines", which took into consideration the serious consequences of anti-personnel landmines and the importance of developing public health programmes for anti-personnel-mine injury prevention and control. Operative paragraph 5 of the said resolution reads as follows:

(continued in English)

> "Urges Governments that have planted mines in the territories of other countries to provide the latter with the required maps and identification of the minefields they planted and to cooperate in minefield clearance in the countries concerned so as to avoid further injuries and deaths of civilians".

(continued in Arabic)

This resolution has been distributed as an official CD document (CD/1514). In this regard, I would also like to refer to resolution 1998/30, entitled "Injurious effects of anti-personnel landmines", adopted at the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1998. Operative paragraph 5 of this resolution reads as follows, and I quote in English:

(continued in English)

> "Urges all countries responsible for the laying of anti-personnel landmines in foreign territories to assume full responsibility for the necessary mine-clearance operations and to cooperate with the host countries for this purpose in every possible way, in particular developing countries".

(Mr. Zahran, Egypt)

(continued in Arabic)

This resolution was likewise distributed as an official document of the Conference on Disarmament (CD/1553). In the light of the above, and taking into consideration the constructive dialogue initiated by Ambassador Campbell of Australia, the Egyptian delegation supports the reappointment of a special coordinator on APLs on the understanding that he will take into consideration, when drafting a negotiating mandate, the need to clear old landmines laid by States in the territories of other States as well as the necessary exceptions to accommodate national security concerns of States and their legitimate right of self-defence enshrined in the Charter of the United Nations, particularly those States with long borders traversing uninhabited areas, as is the case with Egypt. Such exceptions are necessary in order to combat the illicit smuggling of drugs and weapons aimed at undermining the stability and national security of these States through the spread of terrorist operations and criminal activities across their borders.

We should not neglect the three important substantive and organizational aspects that will help to improve the performance of the Conference on Disarmament. While expressing our profound appreciation for the efforts that have been exerted by Ambassadors Hofer, Náray and Illanes during the 1998 session, we have no objection to the reappointment of three coordinators or one coordinator to deal with the expansion of membership, review of the agenda and the improved and effective functioning of the Conference on Disarmament in order to continue to consolidate the useful ideas that were put forward in the course of the last session.

I wish to take this opportunity to renew our request that non-governmental organizations should be allowed to participate as observers in CD plenary meetings. They should also be accorded the opportunity to make statements before the Conference on Disarmament in view of their positive contributions in the field of disarmament. This should be taken into consideration as a means to improve the functioning of the CD and render it more effective.

These are some of the matters of interest and concern which the delegation of Egypt has seen fit to raise in this statement so that they can be taken into consideration when preparing the CD's programme of work for 1999, as we have already adopted our provisional agenda at the plenary session on 21 January 1999. I conclude my statement by expressing our sincere hope that the Conference on Disarmament will be ready, at its 1999 session, to assume its responsibility as the only multilateral forum for global disarmament negotiations, particularly on the issues which are of priority to the international community, the most important of which is nuclear disarmament.

The PRESIDENT: I thank the representative of Egypt for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor? I give the floor to the representative of Colombia.

Mr. RUIZ BLANCO (Colombia) (translated from Spanish): Mr. President, on this occasion I am taking the floor simply to express thanks to you and the other delegations which have expressed sorrow at the natural disaster which occurred recently in my country. I would also like to thank all of you for the words of support and solidarity which my delegation has received.

The PRESIDENT: I thank the representative of Colombia. This concludes our business for today. Does any other delegation wish to take the floor at this stage?

Before I adjourn this meeting, I should like to inform you that intensive consultations are under way with a view to developing a consensus on the programme of work of the Conference, making full use of the delicate and balanced compromises reached at the end of last year, and taking into account proposals made by delegations.

The next plenary meeting of the Conference will be held on Thursday, 28 January 1999, at 10 a.m.

The meeting rose at 11 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.811
28 January 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND ELEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 January 1999, at 10.05 a.m.

President: Mr. Grey (United States of America)

GE.99-60507 (E)

The PRESIDENT: I declare open the 811th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representatives of Finland, Mexico and Brazil. Once we have heard the speakers inscribed for today, I intend to bring up the requests from Côte d'Ivoire and Luxembourg for participation in the work of the Conference as observers in 1999, as well as the proposal by South Africa as contained in document CD/1483.

I give the floor to the representative of Finland, Ambassador Reimaa.

Mr. REIMAA (Finland): I would like to congratulate you, Mr. President, on your assumption of the presidency of the Conference on Disarmament and to assure you of the cooperation of my delegation in our common endeavours.

We hope that the Conference can move swiftly into substantive work this year. One could hardly justify a third year of the CD consuming its time in trying to organize itself and its work.

The United Nations General Assembly, and especially resolution 53/77 I on a treaty banning the production of fissile material, which was adopted by consensus, give us important guidance in our efforts. Finland highly appreciates the address given by His Excellency the Secretary-General of the United Nations, Mr. Kofi Annan, at the CD. This is a concrete indication that disarmament questions have a high priority on his agenda.

A good start was made last week with the adoption of the agenda of the Conference. It is obvious that there is a need to review the agenda of the Conference. However, that should be done in the context of the work of the Special Coordinator on the agenda.

Finland hopes that the same spirit of cooperation will prevail in designing the programme of work for this year's session. We agree with you, Mr. President, that this year's efforts should be built on the agreements and understandings that were achieved during the last session. Attention should be given to the fact that the disarmament calendar for this year is tight and heavy. We should consider what is workable and how scarce resources can best be utilized to promote our shared goals of disarmament and non-proliferation.

During this year, negotiations on a verification protocol for the Biological and Toxin Weapons Convention should move into a decisive phase. The States parties to the Non-Proliferation Treaty are to continue preparations for the 2000 Review Conference. The landmine issue remains high on the international agenda.

Furthermore, efforts under article XIV of the Comprehensive Nuclear Test-Ban Treaty will be launched to speed up the entry into force of the Treaty. In this context, I am pleased to inform you that Finland deposited its instrument of ratification of the CTBT in New York on 15 January 1999.

(Mr. Reimaa, Finland)

The CD should not overload its programme of work. This is particularly important in view of the successful conduct of the fissile material cut-off treaty negotiations. Important political commitments were endorsed last August with the establishment of the Ad Hoc Committee to negotiate a ban on the production of fissile material for nuclear weapons purposes. These commitments should now be followed, and these negotiations should receive a major portion of the meeting time available for the CD.

The FMCT will have a crucial role in the process of nuclear disarmament and non-proliferation. It is clear that there are a number of difficult issues to be addressed, and that the task ahead is not easy. However, this should not prevent us from moving into negotiations. As stated in the Shannon report, the mandate does not preclude any delegation from raising various issues for consideration in the Ad Hoc Committee.

A good start was made after the agreement reached last autumn on negotiations under the leadership of Ambassador Moher. A number of discussions on an expert level have taken place since, and this is all contributing to the deliberations ahead.

We hope that the Ad Hoc Committee on FMCT will start without delay, without linkages to other important issues relating to the programme of work of the Conference.

After a possible initial period of conceptual debate, the Committee should move promptly to genuine negotiations. In our view, earlier experience of CD negotiations could offer practical guidance for organizing the FMCT negotiations. That is to say, that the subject matters could be divided, for example, into two working groups. One could deal with legal issues, the other one with verification. Furthermore, we find it important to start expert work, particularly in the area of verification, at an early stage of negotiations.

Finland hopes that, in addition to the FMCT negotiations, the Conference would establish two other ad hoc committees, namely, the ban on transfers of anti-personnel landmines and negative security assurances. On these two topics, the CD made good groundwork during the last session, for which we want to thank Ambassador Campbell and Ambassador de Icaza, respectively. For both of these topics, a mandate would be readily available and the CD could start concrete work.

We would also be in favour of renominating the Special Coordinators for outer space issues and transparency in armaments.

As to the expansion of membership of the Conference, we do hope the Conference takes a positive decision on the proposal made by the Special Coordinator, Ambassador Hofer, a proposal which seemed to enjoy broad support among delegations as a step forward. I would like to refer to the view of the European Union that such a decision is only a step in the continuing process of expansion.

(Mr. Reimaa, Finland)

We agree with most if not all delegations that nuclear disarmament remains a key issue. It should be treated as such without linking it to other issues that the CD wishes to consider. While it is justified and necessary to pay attention to nuclear disarmament issues in the CD, Finland continues to believe that it would not be practical to seek the launching of negotiations on nuclear arms reductions per se in the CD. Nuclear disarmament is being pursued in the framework of commitments taken under the NPT. For the time being, we consider the START process as the most realistic and result-oriented way to move forward in nuclear arms reductions. With the prospect of a START 3 treaty, outlined in the Helsinki summit between President Clinton and President Yeltsin in March 1997, the START process could play a crucial role in ensuring that the process of nuclear arms reductions is made irreversible. At a later stage, it will be important to involve also the other nuclear-weapon States in the process.

At the moment, the fact remains that START 2 has not come into force, which is creating a bottleneck in treaty based nuclear arms reductions. It would be most unfortunate if the latest developments would be used to further delay the entry into force. Finland regrets this situation, which has a bearing on the work of the CD, the NPT review process and a large number of other disarmament and non-proliferation issues. The START 2 impasse is feeding doubts on the future direction of nuclear arms reductions. We would not consider it satisfactory if the process of treaty-based reductions were to be substituted by unilateral, unverifiable actions.

Finland is of the view that, at the Conference on Disarmament, last year's decision could be used as a framework for further consultations on the issue of nuclear disarmament. Consultations by the troika of the present, past and future Presidents would provide a mechanism to address substantive issues, as well as the various procedural proposals that have been tabled.

Nuclear disarmament is certainly not the sole challenge that the international community is facing in the area of disarmament and non-proliferation. The past year presented some worrisome developments. In the post-cold-war world, the role of nuclear weapons in military calculations should only move downwards. We find it useful that these questions also be raised here at the Conference on Disarmament, with a view to contributing meaningfully to nuclear disarmament and non-proliferation.

The PRESIDENT: I thank the representative of Finland for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Mexico, Ambassador de Icaza.

Mr. de ICAZA (Mexico) (translated from Spanish): Mr. President, first of all, I would like to express my delegation's satisfaction at seeing you preside over our work and offer you our support in the discharge of your important tasks. Secondly, I should like to associate myself with the cordial welcome extended to the representatives of Argentina, Colombia, Slovakia, Israel, Indonesia, Sweden and Venezuela. It is a source of particular

(Mr. de Icaza, Mexico)

satisfaction that among them are old friends, veterans in the areas of disarmament and security, and others whose reputations had already preceded them. With all of them we hope to engage in the productive relationship we had with our predecessors.

To you, Sir, our congratulations at having secured at such an early stage the adoption of an agenda for this year's session of the Conference on Disarmament, which, like last year's, stems from the consensus that, as long as there is no conclusion to the consultations on the review of the agenda, and without prejudice to their results, our negotiations and the work of this Conference will continue to be guided by the principles, objectives and programme of action of the Final Document of the first special session of the General Assembly devoted to disarmament. Last year saw the twentieth anniversary of this document, marking a period in which profound changes have occurred. The fact that its priorities continue to be valid for our Conference is doubtless an indication of how little we have achieved and the great amount of work to be done to meet the challenges of this period and to avail ourselves of the opportunities that a less tense and confrontational international environment offers us.

Our programme of work this year must meet the priorities of the international community in the field of disarmament, among which nuclear disarmament continues to be highest and the first in view of several factors of concern, such as new delays in the entry into force of Start II, challenges to the international non-proliferation regime, efforts in military alliances to seek new roles for nuclear weapons, and new and alarming twists in deterrence doctrines, and recent news on issues that could affect the Treaty on the Limitation of Anti-Ballistic Missile Systems, which so far has been considered the cornerstone of efforts to reduce nuclear arsenals. The Conference on Disarmament cannot, without losing all credibility and prestige, systematically ignore the greatest of the threats that continues to weigh on mankind: the possible use of nuclear weapons. This sole multilateral negotiating body in the field of disarmament cannot shirk the obligation devolving upon all States to undertake and conclude negotiations on nuclear disarmament.

Last year the Conference recognized these facts and instituted a mechanism for consultations which regrettably has demonstrated its limitations and exhausted its possibilities. The decisions of the delegations of South Africa and Egypt to resubmit draft decisions for the setting up of an ad hoc committee for nuclear disarmament enjoy the support of my delegation. In June last year, the Secretary for Foreign Relations of Mexico, Ambassador Rosario Green, along with the Ministers for Foreign Affairs of Brazil, Egypt, Slovenia, Ireland, New Zealand, Sweden and South Africa, issued a declaration on the need for a new agenda in the area of nuclear disarmament, and just a month ago the General Assembly adopted a resolution on this matter by an overwhelming majority, with less than 10 per cent of the Member States of the Organization voting against. In that resolution - 53/77 Y - this Conference is called upon to establish an appropriate subsidiary body to deal with nuclear disarmament, and to do so without delay. That is why my

(Mr. de Icaza, Mexico)

delegation hopes for a clear and forceful statement by the Conference today in response to the General Assembly's appeal to the Conference on Disarmament in that and other resolutions.

My delegation likewise supports the re-establishment of the ad hoc committee to negotiate a non-discriminatory, multilateral, effectively and internationally verifiable treaty prohibiting the production of fissile material for nuclear weapons or other nuclear explosive devices, which will meet the goals of nuclear non-proliferation and constitute an authentic disarmament measure. It is necessary to move towards clearly defined objectives on the scope and system of verification of the treaty to be negotiated. We must spare no effort in the search for areas of understanding leading us to conclude as soon as possible the negotiations on this significant measure called for in the "Principles and objectives for non-proliferation and disarmament" adopted in 1995.

My delegation deems it important to re-establish the ad hoc committee on security assurances and to continue its tasks in conformity with the mandate assigned to it. We also support the re-establishment of an ad hoc committee for the prevention of the arms race in outer space.

Recently, a week and a half ago, a regional seminar on anti-personnel landmines was held in Mexico City on the initiative of my Government and that of Canada, and I had the opportunity of hearing the voice of non-governmental organizations, in particular the International Campaign to Ban Landmines, which expressed their satisfaction at the entry into force of Amended Protocol II to the 1980 Convention, and the Ottawa Convention, and stated their hope that, through the follow-up machinery of these two instruments and their universal adoption, a definitive solution will be found to the humanitarian tragedy represented by anti-personnel mines. They set out their very serious and justified doubts as to the relevance and appropriateness of drafting a third instrument confining itself to transfers. My delegation shares these doubts on the part of international civil society, which unfortunately has not had the opportunity to address this forum.

The Conference on Disarmament's consultations on its agenda must continue. This is what we have asserted in the first paragraph of the agenda that we adopted for this year. We must also continue the consultations on our methods of work.

My delegation continues to support the recommendations of the Special Coordinator on the expansion of the membership of the Conference on Disarmament, Ambassador Erwin Hofer, and we believe we must approve without delay the membership applications of Ecuador, Ireland, Kazakhstan, Malaysia and Tunisia.

The PRESIDENT: I thank the representative of Mexico for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Brazil, Mr. Ayrosa.

Mr. AYROSA (Brazil): Mr. President, on behalf of my delegation, allow me to join previous speakers in congratulating you on your assumption of the presidency of the CD. We are confident that, under your able guidance and with your diplomatic experience and skills, this Conference will reach a decision on its programme of work shortly, thus paving the way for a successful and substantive session this year. May I also pay tribute to the diligent work done by your predecessor, Ambassador Ian Soutar, as well as to the usual efficiency displayed by the CD's secretariat?

I have asked for the floor simply to reiterate my delegation's support for the proposal made by the South African delegation and to be considered in today's agenda. As Ambassador Celso Lafer stated at the beginning of last year's session when this proposal was presented by Ambassador Selebi, we believe that this carefully worded draft is intended to precisely allow the level of support needed from all quarters in order to break the current logjam and open the way for a true debate on the next steps the CD can and should take in order to address squarely nuclear disarmament. We therefore thank again South Africa for its initiative and, consistent with the expectations of the international community, expect a positive response by this Conference thereon.

The PRESIDENT: I thank the representative of Brazil for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor?

I should like to inform the Conference that further requests have been received from Côte d'Ivoire and Luxembourg for participation in the work of the Conference as observers during 1999. With your agreement, I should like the Conference to take a decision on these requests without considering them first at an informal plenary meeting. These requests are contained in document CD/WP.501, which is before you. May I take it that these requests are acceptable?

It was so decided.

The PRESIDENT: On the second issue, I would like to recall that the representative of South Africa made a proposal at the first plenary meeting on 19 January 1999 to establish an ad hoc committee on nuclear disarmament to deliberate upon practical steps for systematic and progressive efforts to eliminate nuclear weapons as well as to identify if and when one or more such steps should be subject to negotiations in the Conference. This proposal is contained in document CD/1483. At that time, he stated his intent to put this forward for decision today, 28 January. The Presidential consultations held yesterday indicate that this proposal does not enjoy consensus in the Conference at this stage, and therefore further consultations will be required on this proposal, as well as on all other proposals related to this issue which are now before the Conference, in order to achieve a consensus on how the Conference intends to address the question of nuclear disarmament. Are there any comments? I recognize the representative of South Africa.

Mr. GOOSEN (South Africa): It is obviously with deep regret that we hear today that the Conference on Disarmament, which is defined as "the single multilateral disarmament negotiating forum of the international community" and which "has the primary role in substantive negotiations on priority questions of disarmament", remains unable to reach a consensus on the establishment of a mechanism to deliberate on the issue of nuclear disarmament. This is despite the fact that the "Presidency consultations" which were conducted during 1998 clearly demonstrated that there is broad support in the CD, from across political groupings, for some mechanism to deal with the issue of nuclear disarmament. This is despite the fact that there is general agreement that nuclear disarmament is a concern of the entire international community. This is despite the fact that there is no other forum where substantive deliberations can take place on the nuclear disarmament issue. Deliberations which, I emphasize again, would not, and will not, undermine or threaten the nuclear disarmament negotiations between Russia and the United States, but would in fact support and reinforce these negotiations.

I fear that the intransigence of those delegations who continue to refuse to recognize the legitimate concerns of other States, while insisting that we should respect and show understanding for theirs, is likely to exacerbate, and not improve, the situation. The nuclear disarmament issue and the concerns that revolve around it cannot be brushed under the carpet and forgotten. The issue will continuously rise up and complicate our work. South Africa would urge the delegations involved again to consider their positions, particularly since what is on the table is a moderate approach, a moderate and reasonable proposal. It is a proposal where we are not insisting on the exact formulation or wording. It is a proposal, where, as in our statement of 19 January, we have made it clear that "we are more than willing to enter into intensive consultations to craft wording which would enjoy the necessary support". As was stated, the South African delegation stood ready to "work - at times of your choosing - with you and the delegations represented here so as to achieve agreement on the exact content and wording of the decision". No such consultations, to our knowledge, were convened and/or held in this regard.

The combined wisdom of this institution and of our predecessors has, however, provided us with a way forward which will not undermine or prejudge the positions of any - I repeat, any - delegation represented in the Conference on Disarmament. It is a mechanism which was agreed to by consensus, and it is a mechanism which was crafted to address the exact predicament which now faces us. I am referring to paragraph 5 of document CD/1036, dated 21 August 1990, which states as follows in subparagraphs (c) and (d):

> "(c) That the principal debate on the establishment of subsidiary bodies and their mandates shall be held during the first two weeks of the annual session; and
>
> "(d) That in case of an absence of consensus on the establishment of any particular subsidiary body or its mandate, the incumbent

(Mr. Goosen, South Africa)

President shall in the subsequent two weeks try to identify a Special Coordinator to assist in carrying out informal consultations with a view to reaching consensus."

I would now request the secretariat to distribute to all delegations represented in this room a copy of document CD/1036 as well as a copy of a document which contains a legal interpretation of the rules of procedure of the Conference on Disarmament with specific reference to paragraph 5 of the "Decision on the improved and effective functioning of the Conference on Disarmament" which is contained in CD/1036. We would further ask that the secretariat should in due course ensure that this legal opinion is distributed as an official document of the CD.

There are many issues which arise within the context of paragraph 5(d) of CD/1036, the foremost of which is most probably the cry: "What about the rule of consensus in the CD?" So let me use this opportunity to address this argument first. The "rule of consensus", or its inversion, the "right to veto", remains inviolate and unaffected. This is achieved in three ways:

Firstly, CD/1036 was agreed to by consensus by the Conference on Disarmament. In coming to this original decision on 21 August 1990, it is accepted that all delegations did so fully accepting the content of the document and fully agreeing to its implementation when the conditions which are described exist. Therefore the consensus which was established on 21 August 1990 is the consensus which is being exercised; it would in fact take a consensus to change or remove this paragraph from the document, or to prevent its provisions from being exercised.

Secondly, paragraph 5(d) was crafted to assist in situations where a consensus did not exist in the Conference on the establishment of a subsidiary body or its mandate. A suggestion that, given such a situation, a further consensus is required on the utilization of the deadlock-breaking mechanism would create a situation of double veto or double jeopardy. The purpose of the mechanism to assist in reaching consensus - as opposed to a mechanism to continue the original disagreement - would be frustrated.

Finally, delegations - especially those most closely concerned - can remain assured of, and secure in, the fact that the appointment of the paragraph 5(d) Special Coordinator does not in any way remove or negatively impact on the absolute requirement of the CD's rules of procedure that any decision on the establishment of a subsidiary body or its mandate, both before and after the appointment of the Special Coordinator, would be taken, and would be required to be taken, by consensus. The paragraph 5(d) Special Coordinator's only function is to assist the Conference on Disarmament in carrying out informal consultations with a view to reaching consensus.

Therefore, as we have said, the "rule of consensus", or its inversion, the "right to veto", remains in place - it remains inviolate and unaffected. The implementation of paragraph 5(d) of document CD/1036 in fact reinforces consensus. It does not take anything away from it.

(Mr. Goosen, South Africa)

I would now like to turn to some other issues which arise out of paragraph 5(d) of document CD/1036. The issues which I wish to address are (i) the functions and duties of the President of the Conference on Disarmament in the context of paragraph 5(d); (ii) the meaning of the phrase "try to identify"; (iii) is consensus required in the Conference on Disarmament for the appointment of the Special Coordinator?; and (iv) duration of the appointment of the Special Coordinator.

On the functions and duties of the President of the Conference on Disarmament in the context of paragraph 5(d), let me say, paragraph 5(d) clearly provides that decisions on the establishment of a subsidiary body should be taken by way of consensus. The paragraph, however, essentially indicates how the President of the Conference on Disarmament must act in cases where there is no consensus on the establishment of such a body in order to reach consensus. In such cases the President does not have discretion whether or not to appoint a Special Coordinator. After the first two weeks of the annual session when the principal debate on the establishment of subsidiary bodies and their mandates is to take place, in accordance with paragraph 5(c) of the Conference on Disarmament's decision CD/1063, the President is obliged to ("shall") try to identify such a person within two weeks to assist in the process of reaching consensus.

The phrase "try to identify" as it is used in paragraph 5(d) is accepted as having its normal meaning. The President of the Conference on Disarmament is therefore, in the situation envisaged by paragraph 5(d), obliged to ("shall") take all reasonable steps to identify a person to fulfil the Special Coordinator task. This must be done in the two-week period following the first two weeks of the annual session (when the principal debate on the establishment of subsidiary bodies and their mandate is to take place). If the President can identify a person, the President would appoint that person to fulfil the task outlined in paragraph 5(d).

We have already addressed the issue of consensus in general terms earlier in this statement. There are, however, some specific issues which we also wish to address in this context here. As stated above, paragraph 5(d) provides for situations where a consensus does not exist on the establishment of a subsidiary body or its mandate. The paragraph also does not, in any part of its text, indicate that a consensus in the Conference on Disarmament would be required for the appointment of a Special Coordinator in terms of its provisions. The appointment of the said Special Coordinator is done by way of unilateral action of the President. The text of paragraph 5(d) does not stipulate or imply in any way that the President has to clear his decision to appoint a Special Coordinator with anybody, nor does he have to seek consensus on such appointment. It is reasonable to accept that if consensus in this regard was intended by the drafters, the text would have contained a clear indication in this regard. This conclusion is endorsed by the fact that the text of paragraph 5(d) explicitly states that the decisions on the establishment of a subsidiary body must be taken by way of consensus. Any interpretation to the contrary would be in clear conflict with the text.

(Mr. Goosen, South Africa)

Paragraph 5(d) also provides no indication of any artificial restriction or limitation on the duration of the term of office of a Special Coordinator appointed in terms of its provisions. The duration of the term of office of a Special Coordinator appointed in terms of paragraph 5(d) would be determined by the eventual outcome of the informal consultations which are to be conducted by the Special Coordinator.

Mr. President, my delegation consequently formally requests that you, as the incumbent President of the Conference on Disarmament, undertake the necessary steps to ensure the implementation of paragraph 5(d) of the document CD/1036 in accordance with the provisions contained therein. We know that you are confronted by a difficult situation. South Africa, however, has full confidence in the objectivity and impartiality of the presidency of the Conference on Disarmament, whose primary function is to ensure the efficient, fair and equitable functioning of this important body. South Africa's delegation to the CD therefore remains available, and at your behest, to assist in ensuring that the Conference on Disarmament starts its work with the minimum of delay.

The PRESIDENT: I thank the representative of South Africa. Does anyone else wish to take the floor at this time?

As President, let me say that I have listened with interest to South Africa's legal interpretation of paragraph 5(d) of CD/1036. My initial reaction is I expect there may be as many interpretations as there are delegates represented here. That having been said, it is clear that under the terms of paragraph 5(d) of CD/1036, I am obliged during the next two weeks to try to identify a Special Coordinator to assist in carrying out informal consultations with a view to reaching consensus on the establishment of any particular subsidiary body. It is my intention to do so.

In the interim, it is my intention to continue to conduct intensive consultations on the question of the Conference's programme of work for 1999. I would like to remind the members of the Conference that, in this regard, I have proposed that we begin work at the same point where we left off last September, including the issue of expansion of membership. I hardly need to emphasize the importance for all of us to preserve the delicate and balanced compromises which we were able to reach after painful negotiations last year, and which should constitute a sound and appropriate basis for starting our substantive work this year. This is all the more important since the most crucial of those arrangements was agreed only very late in the past session. From my comprehensive bilateral consultations with you, I am aware of the very widespread desire to begin work on just such a basis. For this reason, I would hope that my further consultations would produce the desired result on restarting our work in the near future.

This concludes our business for today. Does any other delegation wish to take the floor at this stage? The next plenary meeting of the Conference will be held on Tuesday, 2 February 1999, at 10 a.m.

The meeting rose at 10.55 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.812
2 February 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND TWELFTH PLENARY MEETING

Held at the Palais des Nations, Geneva
on Tuesday, 2 February 1999, at 10.10 a.m.

President: Mr. Grey (United States of America)

GE.99-60537 (E)

The PRESIDENT: I declare open the 812th plenary meeting of the Conference on Disarmament.

I should like at the outset, on behalf of the Conference, to welcome the Under-Secretary for Legal and International Affairs of the Ministry of Foreign Affairs of the Islamic Republic of Iran, Dr. Mohammad Javad Zarif, who will be the first speaker this morning. I also have on my list of speakers for today the representatives of Venezuela and Belgium.

I now invite the Under-Secretary for Legal and International Affairs of the Ministry of Foreign Affairs of the Islamic Republic of Iran, Dr. Mohammad Javad Zarif, to make his statement.

Mr. ZARIF (Islamic Republic of Iran): Mr. President, allow me at the outset to congratulate you on your assumption of the presidency of the Conference on Disarmament. I should also express my delegation's sincere appreciation to your predecessor for his distinguished work. Let me also take this opportunity to express the regrets of the Foreign Minister who, for programmes unforeseen in the past, could not attend this session of the Conference, and assure you of his personal commitment to the work that you are doing here.

We, on the eve of a new millennium, are standing at a defining crossroad in the history of humanity. Scientific and technological breakthroughs, growing interdependence, impressive development of standards of behaviour at the international level, and the emergence of a global consensus to prevent war and curb the perils of armaments and, particularly, weapons of mass destruction are indeed significant achievements of the twentieth century. Translating these general developments in terms of concrete progress in the field of disarmament, one may note the promotion of multilateralism in all fields of disarmament negotiations, the conclusion and entry into force of an array of significant disarmament treaties, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Biological Weapons Convention, the Chemical Weapons Convention (CWC) and the Comprehensive Nuclear Test-Ban Treaty (CTBT), the forthcoming additional protocol to the BWC, providing for a verification regime, and finally the end of a hysterical arms race between the super-Powers.

However, in spite of these historic accomplishments, the twentieth century will also be remembered for vivid images of unspeakable horror and bloodshed resulting from our failure to forge an inclusive global security system, in a world in which man, enabled by science, is capable of his own total destruction. The absence of such a system has exacerbated the security dilemma and led to the employment of science for production of the most lethal weapons of all.

For a very long time, the balance of terror, coupled with military block security umbrellas - an exclusive privilege provided solely to members of the two major alliances and their associates - have been presumed to ensure security. The security dilemma and the prevalence of terror have also been the driving force behind the temptation and the quest by some to acquire the

(Mr. Zarif, Islamic Republic of Iran)

most lethal weapons, in particular nuclear ones. The recent developments in South Asia offer yet another set of disturbing evidence of the fact that the temptation and the quest would continue to survive as long as we fail to forge a new approach to security and particularly to complete nuclear disarmament.

Perilous signs are looming in the horizon. The risks are real, immense and impending. With the uncertainties associated with the transitional nature of the global order, a tremendous obsession is evident to preserve military supremacy or assume a more prominent global role in the future order through acquisition of more advanced weapons of greater range, accuracy and lethality, something that might quite unravel the progress towards disarmament achieved earlier in this decade.

It is high time to change this predominant yet erroneous security paradigm. Fundamental to this is the adoption of a new approach towards international security going beyond the boundaries of the residuals of the bipolar system, which is fixated in the past. It is no longer acceptable or even practical to divide the international community into two distinct groupings: one living behind the walls of fortresses of alliances and weapons of mass destruction, while the security concerns of others are completely neglected as they are depicted as the source of possible threat and worthy of containment and deprivation. It is specially alarming that pseudo-scientific theories of clash are advanced in order to perpetuate the policies of rivalry and exclusion, and even sanctify them as the unavoidable consequences of civilizational disharmony.

The time has come to replace military block security umbrellas with a new and innovative concept of Global Security Networking, a truly global networking mechanism for inclusive and participatory global security, which uses the existing mechanisms in complementary rather than competing schemes.

In shaping this new global security, we should agree that weapons of mass destruction should have no place in any global security networking and should be banned altogether and destroyed. We cannot seek to establish a civilized community of human beings and States without accepting the premiss that all peoples and all States have an equal right to survive and to guarantee peace and security for citizens. Mass destructive weapons, by their very existence, undermine this basic principle as well as the most fundamental human rights and the very foundations of international humanitarian law. We should not accept that our children in the coming millennium should continue to live under the horrifying shadow of possible use of these weapons. We must ensure that the people of Iran and Japan are the very last victims of weapons of mass destruction of any type, at any time, and under any pretext whatsoever. This, of course, requires enlightened, serious and coordinated endeavour at the national, regional and international levels.

It is a source of deep satisfaction to see that the Chemical Weapons Convention has entered into force. The Convention, through its comprehensive verification regime, can indeed operate as a major confidence-building

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mechanism by ensuring that such weapons are removed from the military arsenal and the defence strategies of States parties within a 10-year time span. Yet this mechanism can become enormously more dependable by promoting its universality, in particular in sensitive regions including the Middle East. Equally important is that we should not settle for less than full implementation of the Convention. Selective and partial implementation of the Convention, or introduction of conditions, in addition to being a clear violation of its letter and spirit, would irreparably undermine its credibility and relevance.

Biological Weapons are already banned by the 1972 Convention. The ongoing efforts to strengthen the Convention through the establishment of an effective verification system deserve our support. The need for serious negotiations to establish such a system at the earliest possible date has been strongly underlined by the international community, most recently during a ministerial meeting held in New York last September. Biological weapons are amongst the most destructive and inhuman weapons ever conceived and we have the political and moral responsibility to ensure that these weapons will never be developed, used or stockpiled. The protocol under negotiation should therefore be effective and strike a balance between the rights and obligations of the States parties. It should envisage provisions and, if necessary, should establish mechanisms to ensure and facilitate the peaceful use and exchange of material, equipment and technology among States parties. We are prepared to cooperate with all States concerned in order to ensure the conclusion of negotiations on the protocol before the year 2000.

As regards nuclear disarmament, practical measures are yet to be taken. Save for some piecemeal undertakings, including a host of bilateral agreements, the path to comprehensive nuclear disarmament is largely untravelled. Political, security and military considerations of nuclear-weapon States have made the process of total elimination of nuclear weapons a more difficult and complex enterprise. But that by no means justifies the disengagement of the international community, the multilateral forums and, above all, the Conference on Disarmament from considering ways and means to promote nuclear disarmament. In fact, in the initial stages, banning the other categories of weapons of mass destruction was considered somehow ambitious, impractical and unfeasible. But through the mobilization of the necessary political will at the global level, we were able to resolve many difficult, and at times fundamental, differences over issues which apparently seemed insurmountable. This seems even more relevant to nuclear disarmament. What continues to be lacking is the political will to abandon theories and strategies which belong to the past.

I believe that nuclear disarmament needs to be pursued within a practical approach structured in three phases: short-, medium- and long-term. Promotion of confidence is at the heart of short-term initiatives, which would be pursued by the nuclear-weapon States bilaterally and multilaterally. Vigorous reduction of nuclear weapons, coupled with certain specific measures, including de-alerting of nuclear forces, detargeting of nuclear weapons, ratification of START 2 as well as finalization and implementation of START 3, should be accorded priority.

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For the medium term, the main focus should be on multilateral agreements codifying legal restraints on the use of nuclear weapons. In this area, an agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons - which, in our view, can best be pursued within the NPT context - a treaty to ban the first use of nuclear weapons, and finally a convention on the prohibition of the use of nuclear weapons, should be worked out.

At the same time, we should continue to strengthen the non-proliferation regime and continue vigorously initiatives to establish nuclear-weapon-free zones in various parts of the world, particularly in the more sensitive regions.

The first two phases inch us closer to the ultimate goal of comprehensive nuclear disarmament. And at last, the final stage would offer negotiations on a global treaty banning nuclear weapons and providing for their destruction under effective international control.

The NPT was indefinitely extended to prepare the ground for nuclear disarmament. We must all ensure that this shall happen. And we all, in particular the nuclear-weapon States, have the responsibility to ensure the success of the non-proliferation regime in all its aspects, which also includes the eventual total elimination of these weapons. Nuclear disarmament, in our view, would preserve the Treaty's integrity and credibility.

The non-proliferation regime is facing fresh challenges. The CTBT is in peril, while statements from India and Pakistan lead to some optimism that we could resume the right track. The unsafeguarded nuclear facilities in the Middle East are a real threat to the non-proliferation regime. Israel, in defiance of numerous calls from the international community, has refused to place its nuclear programme and facilities under IAEA safeguards and continues with its clandestine programmes. This is an alarming policy that menaces global and regional peace and security. The Year 2000 NPT Review Conference should seriously and frankly address this concern and offer practical solutions.

The Conference of Disarmament, as the sole multilateral disarmament negotiating body, has a very prominent role in ensuring global peace and in moving towards global security networking. It has been the main launching board for various disarmament treaties and likewise it should remain. To preserve such an outstanding role, the Conference has to design a grand strategy. Things should happen by design and not by default. We need to know where we are heading. The agenda, programme of work and the ad hoc committees of the Conference should reflect our collectively agreed grand strategy. Running the risk of appearing overly optimistic, I believe that this is possible, provided that the requisite political will, determination and commitment could be mobilized.

The question of the expansion of the CD is, in our view, a part of this broad picture. We understand the rationale of universality of the CD. Nonetheless, one should not lose sight of the fact that there is a close

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correlation between the expansion of the CD and its efficiency. The CD is meant to be a negotiating body, and as such it should be manageable and able to perform its functions effectively so as to live up to the expectations of the world community.

We also appreciate the aspirations of the five candidates for membership in the CD that have waited long for their admission. We sympathize with their national aspirations to join the CD and we tend to accommodate them. Given our general approach regarding the future and the emerging role of the Conference, this has required a long and difficult process of assessment.

As for the future, the issues of expansion and efficiency need to be seen together and to be revisited in the light of a careful assessment of the impact of previous expansion on the efficiency of the Conference. In any event, transparency in the decision-making process on this issue is an absolute necessity on which we shall not compromise in the future. Furthermore, any future proposal must be fitted within a general policy of expansion as opposed to a piecemeal approach.

As we enter a new millennium, we need to adopt a new perspective. We need to revisit old strategies and doctrines, which were founded on theoretically weak and historically unsound constructs like deterrence and the balance of power, or indeed of terror. The challenge of the twenty-first century is not just loose nukes, not even nukes per se; the challenge is the mentality that believes any country whatsoever still needs nukes or can justify having them or claim that they are safe in their arsenal.

Doctrines and policies of the arms race, block formations and exclusions have not brought our global community any real sense of security or peace. We need to rethink these very policies and reassess our fundamental assumptions; and I regret that this has yet to happen. Before a new round of rivalry and exclusion is entrenched, perpetuated and sanctified through the theories of clash and conflict between nations and civilizations, the international community must adopt the strategy of dialogue, tolerance and inclusion. The Conference on Disarmament's mission for the twenty-first century must centre on active pursuit of this imperative, breaking away from outdated perspectives, and beginning to look seriously at new paradigms such as global security networking.

The PRESIDENT: I thank the Under-Secretary for Legal and International Affairs of the Ministry of Foreign Affairs of the Islamic Republic of Iran for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Venezuela, Ambassador Rodríguez Cedeño.

Mr. RODRIGUEZ CEDEÑO (Venezuela) (translated from Spanish): Mr. President, allow me first of all to congratulate you on behalf of my delegation on taking office as President of the Conference during this first month, which is of fundamental importance for the organization of our work. We are certain that your skill and experience, along with the common political will and desire to cooperate with you, will facilitate the adoption of decisions on the programme of work, which is the only means of enabling us

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to make progress in handling the substance of the various items of the Conference's agenda. My delegation stands ready to give you its full support to ensure the earliest possible adoption of the decisions required truly to get down to our substantive work, as the international community expects from us. We cannot allow time to elapse without the Conference achieving an agreement on the manner in which its work will be organized.

On this occasion I would like to make some general comments on the central issue that should engage our attention, the negotiations on nuclear disarmament and the creation of a comprehensive and universal legal regime, as well as endeavouring to reflect our position on other agenda items.

General and complete disarmament and the elimination of weapons of mass destruction, encompassing principally, of course, nuclear disarmament, an item which my delegation deems to be the first priority, is an objective and an aspiration of the international community. This status was granted at the first special session of the General Assembly devoted to disarmament, in 1978, and has since been reiterated in several international documents. More recently, General Assembly resolution 53/77 X, adopted in December last year, reaffirms this status in reiterating to the Conference "the establishment, on a priority basis, of an ad hoc committee on nuclear disarmament to commence negotiations early on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons with a specified framework of time through a nuclear weapons convention".

The negotiating process, in a state of stagnation which we regret, stemming from the obvious absence of political will, must be seen firstly in a global context and then from a standpoint which is not exclusively political. To our mind it is essential to design a comprehensive and universal legal regime which meets the expectations of the international community and creates sufficient confidence in international relations for the establishment of a world free of nuclear weapons. While it is true that important progress has been made in recent years, as regards the reduction of nuclear weapons, testing and the prevention of their proliferation, serious and definitive efforts must still be made to succeed in eradicating once and for all the threat of the annihilation of the world through the use of these weapons of mass destruction. The Comprehensive Nuclear Test-Ban Treaty is doubtless a very positive sign as regards progress in the negotiations on nuclear disarmament. But the prohibition of nuclear tests is just one element in a programme of nuclear disarmament. This Treaty is not an end in itself; it is a marginal though certainly important step towards a world free of nuclear weapons, just like, in our view, the negotiations on the prohibition of the production of fissile material and on negative security assurances which are also elements of that programme.

The consideration of the item of nuclear disarmament, in particular, is, as I said before, a priority and hence so is the adoption of such measures as the Conference by consensus considers pertinent, to initiate as soon as possible consultations and negotiations on this crucial matter. From the outset, as you know, we have supported the reconstitution of the troika as an essential interim step to continue considering the item, until such time as

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the Conference decides on the most appropriate mechanism to that end. My delegation supports the urgent establishment, on a consensus basis, of an ad hoc committee on nuclear disarmament which should have a clear mandate. International peace and security, economic development and social progress fall within a concept which is not yet completely defined, that of globalization, a concept which must also guide the spirit of negotiations on disarmament in general, and more particularly nuclear disarmament. The conclusion of specific, effective and universal legal agreements is a matter of common interest. It is a matter of interest not to a certain number of States which do or do not possess nuclear weapons or technology, but to the international community as a whole which strengthens the Conference as the sole multilateral forum for that purpose.

Though the political decisions are fundamental, legal considerations are essential in negotiations on nuclear disarmament. Today we can observe with satisfaction the development of international law related to disarmament and the development of specific legal norms such as, for instance, the recognition of the existence and acceptance of the obligation to negotiate in good faith, as pointed out by the International Court of Justice in its important advisory opinion of 8 July 1996. This is a clear legal principle related to the matter, which, though expressed in the form of an advisory opinion from the highest international court, which as you know is not binding by its very nature, nonetheless has very great significance in respect of the formation of international law. This obligation must, moreover, be viewed in the broadest manner, as noted by one of the judges in his individual opinion appended to that advisory opinion. These negotiations in good faith must be concluded, translating political agreements into multilateral legal instruments which would mould the international legal regime related to disarmament in general.

The legal regime concerning nuclear disarmament which today, because of the circumstances and elements we have before us, can be the subject of a codification exercise, must take account of various categories of juridical acts that States formulate, notably the unilateral declarations made by the nuclear-weapon States whereby they offer negative security assurances to the States that do not possess these weapons, which, though it is true that they might be insufficient, in view of their content and the conditions to which they have been subject, can form part of that legal regime which attempts are being made to establish and which must be established.

International law evolves and develops progressively, along with international society. Mutual trust and security in international relations compel us to conclude today that such unilateral declarations have legal value. The unilateral declarations made with the intent of entering into a commitment on the international legal plane have unquestionable value in international law today. The purely unilateral promises that States may formulate at a given time, to facilitate negotiations on specific matters, constitute valid means of acquiring international legal commitments, as the International Court of Justice itself has affirmed in several of its decisions, including the most important and innovative, the decision of December 1974, on the case of nuclear testing in the South Pacific,

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reiterated later in other decisions and taken up by legal doctrine and in the efforts aimed at the codification and progressive development of international law being embarked on in other United Nations bodies.

Of course, we must be clear that, though we consider that these unilateral acts are binding from the legal standpoint and can be part of the legal regime that should be established on the matter, we must recognize that these must be clear and unconditional, thus meeting the expectations of the international community.

In addition to these unilateral declarations, bilateral or plurilateral agreements that certain States might sign can also have legal significance for the purposes of the creation of a universal legal regime on the matter, since they can create expectations and obligations in favour of third parties that have not participated in the negotiations or in the drafting of these legal instruments.

This appreciation is no mere theoretical exercise but rather, to our mind, is of crucial importance in respect of the negotiations now under way and the necessary broader vision that should be given them, to be able to progress and to conclude as soon as possible legal agreements, whatever their form, guaranteeing above all that the nuclear-weapon States will comply with the obligation that has already been imposed on them by evolving international law to conclude negotiations on nuclear disarmament and not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

In respect of other items on our agenda, I should like to point out that my delegation also considers it essential to resume negotiations as soon as possible on the prohibition of the production of fissile material, which, as I said before, is part of that nuclear programme. There is no doubt about the important challenge confronting the Conference in addressing the issue of fissile material. The decision adopted last year to establish, under item 1 of the agenda, an ad hoc committee entrusted with negotiating a non-discriminatory multilateral and internationally verifiable treaty which effectively prohibits the production of fissile material for nuclear weapons or other nuclear explosives must be continued and the negotiations for that purpose must be immediately resumed. The conclusion of a legal instrument on the subject would constitute a non-proliferation measure as well as furthering nuclear disarmament.

We are convinced of the need to establish an appropriate and effective legal regime enabling us to prevent the use of outer space for purposes other than peaceful purposes. In this regard, we should like to observe that in the report submitted by the Special Coordinator, Ambassador Palihakkara of Sri Lanka, the Conference in principle has no objection to the re-establishment of an ad hoc committee on the prevention of an arms race in outer space with a revised mandate, a position reflected in last year's United Nations General Assembly resolution 53/76.

Another item of special interest to my delegation is the item relating to anti-personnel mines. After the fortieth ratification submitted in

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September 1998, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction will enter into force next March. Though this instrument will, to a large extent, make it possible to mitigate the problems that these devices have generated, we shall not succeed in putting an end to them as long as universal participation in the Convention is not achieved. To our mind, it is imperative for this Conference to study appropriate measures to enhance and complement the international commitments on the matter. Hence we support the re-establishment of the Special Coordinator to study the creation of a committee entrusted with negotiating an agreement on the prohibition of the transfer of anti-personnel mines, an agreement which, far from replacing the Ottawa Convention, would complement it.

To conclude, I should like to refer to the item relating to the expansion of the Conference, which, to our mind, should not negatively affect the effectiveness of its work in any way. The necessary universal view of the work of the Conference enables us to conclude today that it is possible to expand it and allow the participation of all those States that are interested in contributing their efforts, to the crucial negotiations under way in this forum. We are convinced that it is essential to adopt a favourable decision as soon as possible to enable these countries to join in our work. In particular, allow me to express our most resolute support for the aspirations of Ecuador, representing Latin America, a country which I am certain will actively and positively participate in the Conference.

The subject of expansion must be considered along with the questions of the efficiency of our work and the review of the agenda which make up a single item of an organizational nature that deserves our greatest attention. In this regard, in congratulating Ambassadors Hofer, Illanes and Náray on the effort accomplished last year, we share the idea that the reform coordinators should be reappointed following the formula deemed best by this Conference.

The PRESIDENT: I thank the representative of Venezuela for his statement and for the kind words addressed to the Chair. I give the floor to the representative of Belgium, Ambassador Mernier.

Mr. MERNIER (Belgium) (translated from French): I have the honour to be speaking today on behalf of the delegations of Germany, Italy, Norway, the Netherlands and of course my own country.

My delegation would first of all like to congratulate you, Sir, on your accession to the post of President of the Conference on Disarmament. Your wide-ranging experience in security matters and your diplomatic skills are very useful assets at the start of the 1999 session.

The purpose of this joint statement today is confined to the single matter of nuclear disarmament. Our delegations, of course, have other interests within the Conference on Disarmament beyond that single issue. Hence I should like to reaffirm our satisfaction with respect to the agenda which has been adopted. It should also be clear that on nuclear matters, the priority for our five delegations is the negotiation of the treaty banning

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the production of fissile material for military purposes. Our immediate objective here is to re-establish the Ad Hoc Committee set up last year within a programme of work which we hope will be adopted as soon as possible. These positions are known, and in the course of the year ahead, we will have occasion to repeat them and to participate fully in the work which they should involve.

Today, however, we wish to restrict ourselves to nuclear disarmament alone, and in this respect to make a collective proposal. The question of nuclear arsenals and their reduction is a major question for the entire international community. We can, of course, welcome the results already achieved. The IMF Treaty on the territory of Europe has done away with the presence of medium-range nuclear systems. The START process has offered and still offers prospects for reductions which can only be welcomed. However, the fact remains that there are still more than 36,000 nuclear warheads and that this situation must be corrected. This is the very purpose of the START process, to which your country, Mr. President, and the Russian Federation are and will remain committed for a long time ahead.

Clearly, the United States and Russia bear primary responsibility at this stage for the dismantling of their arsenals. This does not mean that we forget the existence of the three other nuclear States, whose unilateral reductions we welcome. The very nature of nuclear armaments, however, and their colossal destructive potential, give the entire international community the right to be kept informed of developments on a matter which affects its survival. Proceeding from this observation, our five countries propose to set up within the Conference on Disarmament an ad hoc group which will permit an exchange of views and information on nuclear disarmament. In the past, I have already said in this forum that it is not a matter of committing the Conference on Disarmament to multilateral negotiations on nuclear reductions. That option seems to us to be unrealistic, and above all harmful to the very cause it proposes to serve. The complexity of such reductions, the truly existential dimension they involve for the United States of America and Russia, make it impossible for us to imagine another path than bilateral negotiations between those two Powers.

The multilateralization of nuclear disarmament would call for the establishment of procedures whose negotiation itself would take years and, even were it to see the light of day, could only disturb, constrain, perhaps even block nuclear disarmament. One can imagine the host of difficulties which it would encounter in the parliamentary debates which would have to take place both in Russia and in the United States. Equally, we do not believe it is realistic to set a timetable on a matter as complex as the dismantling of nuclear arsenals. In the nature of things, this will depend on the international context and the domestic policy of the States immediately concerned - all events which are absolutely unforeseeable. It should be made quite clear, therefore, that our proposal in no way seeks to place nuclear disarmament within a multilateral negotiating framework in the Conference on Disarmament.

(Mr. Mernier, Belgium)

Nevertheless, as has already been said, there are 36,000 nuclear warheads which represent a danger for us all. This fact, this figure, gives rise to legitimate concerns. In itself, it should justify a positive response to the no less legitimate desire to be kept regularly and officially informed. This applies all the more for the member States of the NPT, which, in renouncing the nuclear option and accepting the burden of verification of their obligations, did so bearing in mind the commitments made by the nuclear States to cut their arsenals with the ultimate objective of a denuclearized world.

The five delegations on behalf of which I am speaking today think that the time has come to take note of this state of affairs by creating within the Conference on Disarmament a forum which would make possible the regular and official exchange of information and views on nuclear issues. It is important that the global risk run by the non-nuclear-weapon States should be recognized by the nuclear States. It is important that the progress and the difficulties involved in nuclear disarmament should be the subject of regular, official communication. It is important that everyone should be given the means of grasping the facts of an issue, a challenge confronting us all. We are not unaware that such information is provided regularly, for instance, to the United States Congress and the Duma in the Russian Federation. We do not doubt the sincerity of that information, which, incidentally, also appears in many unofficial publications from which we can all draw benefit. But national parliaments and think-tanks are not the international community. On a matter of such gravity, the international community has its own interests which need to be recognized. It has views which it must be able to make known on a similar regular and official basis. It is for the purpose of setting up such a forum that our delegations would like to make the following collective proposal, which I would ask you, Sir, to record as an official document of the Conference on Disarmament.

(continued in English)

"Proposal on nuclear disarmament

"Belgium, Germany, Italy, Netherlands, Norway

"The Conference on Disarmament decides to establish an ad hoc working group to study ways and means of establishing an exchange of information and views within the Conference on endeavours towards nuclear disarmament."

(continued in French)

This proposal seems to us very timely. It is in keeping with the prospects for the months to come, which hold many difficulties but also many opportunities for nuclear disarmament. We fully recognize that this proposal is one among others which are not lacking in merit. What we are suggesting today is the fruit of the reflection of five European countries whose geography and history have made them particularly sensitive to the nuclear threat. It is also the result of an analysis which has sought to reconcile

(Mr. Mernier, Belgium)

what is desirable and what is possible. It is an offer which we hope will be considered by all delegations of goodwill, an offer which seeks to open a dialogue which we have already awaited for far too long.

The PRESIDENT: I thank the representative of Belgium for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor? I recognize the distinguished Ambassador of Morocco.

Mr. BENJELLOUN-TOUIMI (Morocco): Mr. President, I want to take this opportunity to congratulate you on your accession to the presidency and to thank you for the good work you have been doing to smooth our way through the start of the session that is never easy to deal with and, of course, to assure you of our support.

If I want to take the floor today, it is on a very specific issue, which is the expansion of membership of the Conference. I might not have all the information that you have gathered these past weeks, but it seems to me that consensus was not yet reached. It probably now exists in the Conference on the proposal of Ambassador Hofer, and I remember that at the end of last session, I made a proposal to go ahead and take a decision on that proposal at the first meeting of the session, but of course I did not mean it literally. If we can do it today, or maybe at the next meeting, I think we would really have another accomplishment which would bode well for the session of 1999.

So, as I said, I might not have all the information, but from what I hear these past weeks, it seems we may be able to speed up a decision, take it, then move on to other matters.

The PRESIDENT: I thank the distinguished Ambassador of Morocco. As usual, you have read my mind. I intend to raise this as one of the subjects with the Coordinators in a meeting after this meeting, and I certainly very much hope we can progress and move forward on this in the near future.

If there are no other speakers, this concludes our business for today. Before adjourning this meeting, I should like to remind the Group Coordinators, China and the incoming and outgoing Presidents that I will be holding Presidential consultations immediately after this plenary meeting in Conference Room I.

The next plenary meeting of the Conference will be held on Thursday, 4 February 1999, at 10 a.m.

The meeting rose at 11 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.813
4 February 1999

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND THIRTEENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 February 1999, at 10.10 a.m.

President: Mr. Grey (United States of America)

GE.99-60590 (E)

The PRESIDENT: I declare open the 813th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representatives of Canada, Spain and Colombia. The representative of Colombia will be speaking on behalf of the Group of 21. I now give the floor to the representative of Canada, Ambassador Mark Moher.

Mr. MOHER (Canada): Mr. President, on behalf of Canada, we congratulate you, the Ambassador and Permanent Representative of our neighbour, close friend and ally, on assuming the challenges of the presidency of the Conference on Disarmament. Your persistence in trying to overcome those challenges is to be much admired. We look forward to cooperating with you as we work together to make substantive progress on disarmament issues in 1999. We also wish to renew our appreciation to your predecessor, Ambassador Soutar of the United Kingdom, for his efforts and cooperation during his presidency and as a member of the current Presidential troika. May we also express a warm welcome to our recently arrived colleagues, the Ambassadors of Colombia, Argentina, Slovakia, Sweden, Israel, Indonesia and Venezuela?

We wish at the beginning of this general statement to emphasize that we agree with the views expressed by many other CD members that the most effective way for this Conference to move forward smoothly and productively in 1999 is to pick up where we left off last August. We should build on the agreements and compromises reached with so much effort in 1998, and I am sure some of you will recall there was some pain on the part of Canada in agreeing to some of those. With that objective in mind, we will comment today briefly on the issues before us in 1999.

In approaching the complex field of nuclear issues, Canada's fundamental objective remains the same - to pursue the goal of the elimination of nuclear weapons, inter alia by promoting and enhancing the integrity and effectiveness of the international nuclear disarmament and non-proliferation regime anchored in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). That objective, as well as the regime and the Treaty upon which it is based, are under severe threat - all must be preserved, promoted and enhanced, now more than ever. Certainly that necessity remains our highest priority, one we hope the other 186 States parties to that Treaty share with us. That priority will remain the acid test for Canada as we evaluate all nuclear proposals, initiatives and negotiations in this Conference. Focusing and reinvigorating nuclear disarmament efforts are critical; reinforcement and implementation of measures to strengthen non-proliferation are equally vital. Above all, the basic principles and objectives of the NPT must be preserved; any move to depart from them in either a de jure or a de facto way so as to create a new nuclear realpolitik must be rejected.

Obviously this will require committed and dedicated work by us all, and not just in the CD. The START process must be reactivated and aggressively pursued and expanded; the CTBT must enter into force; the strengthened NPT process must advance. With regard to the first, Canada is deeply disappointed that yet another year has passed without the ratification of START II. While

Mr. Mahley, Canada

We were encouraged by the efforts made by the two States concerned in late 1998, the promise and intentions behind those efforts must be translated into concrete action. We must remain aware of, and sensitive to, the reality that START II, with its target ceiling of 3,500 strategic nuclear weapons for both the United States of America and the Russian Federation, even when ratified will not come into full effect until 2007. So, for Canada, the public commitments of Presidents Clinton and Yeltsin to the further reductions of START III - that is, to a ceiling of 2,000-2,500 deployed strategic weapons for both parties by 31 December 2007 - remains a commitment of the greatest importance, and we strongly welcome encouraging indications of even further reductions. Thus, much remains to be accomplished. This is even more so given that neither START II nor the proposal for a START III directly address the many thousands of non-strategic (or tactical) nuclear warheads held by each country. And the early engagement of the other nuclear-weapon States in a broader nuclear disarmament process yet remains but an earnest objective. This overview explains why Canada remains so engaged to fully and urgently observing the objective unanimously agreed at the 1995 NPT Review and Extension Conference, that is, the "determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons ...". And it also explains why Canada continues to regard the ABM Treaty and its process as a cornerstone of strategic stability, the integrity of which it is essential to preserve and to protect.

What contribution can the Conference on Disarmament make in this context? Canada addressed this question on five formal occasions last year. In sum, we continue to advocate two specific and concrete actions by the CD. First, a decision to establish a mechanism for the substantive discussion of nuclear disarmament issues with a view to identifying if and when one or more such issues might be negotiated multilaterally; and second, a decision to re-establish the Ad Hoc Committee to negotiate a fissile material cut-off treaty, pursuant to our decision framework in 1998 (i.e. CD/1547 and CD/1644). The first action will require initiative and investment by all CD members building on the wide range of proposals - South African, Canadian, Belgian, Egyptian, Japanese, Group of 21 - before it for consideration. We note with interest the additional proposal put forward by Belgium, Italy, Germany, the Netherlands and Norway on 2 February. The 1997 Canadian proposal, first formally tabled on 21 January 1998 and entitled "Working paper concerning CD action on nuclear disarmament", has been updated as a contribution to that discussion and will be an official document of the CD again in 1999. We recall the CD Presidential declaration of 26 March 1998, reflecting a negotiated understanding and associated assurances with regard to this topic, and emphasizing the "extremely high priority" of agenda item 1, "Cessation of the nuclear arms race and nuclear disarmament". We urge tangible action to demonstrate that priority through the establishment of an effective and credible mechanism.

Equally, we also hope and expect that prompt action by the CD will lead to the earliest possible re-establishment of the Ad Hoc Committee which shall negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, pursuant to documents CD/1547 and

(Mr. Moher, Canada)

CD/1548 of last year. In anticipation that this will occur in the very near future, we are reserving our further detailed comment to an early session of that Ad Hoc Committee.

Negative security assurances remain as a question before this Conference. Should the Conference decide in this session to re-establish an ad hoc committee to negotiate "effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", Canada will continue to be guided by the views summarized in our document CD/1502 of 2 April 1998, particularly in the light of various developments since that date.

The immediate answer to the above question is therefore clear in our mind. We should agree to establish a mechanism to review, to assess, to discuss and to consider nuclear disarmament issues with a view to seeing if and when one or more such issues might be negotiated multilaterally in the CD. We should also recommence immediately, in an ad hoc committee, negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, as already agreed last year. These steps will demonstrate and confirm to the international community that the CD is prepared to do its part to meet the nuclear disarmament and nuclear non-proliferation challenge confronting us all.

Turning to conventional arms, as with nuclear issues, clearly the work of the CD should take place in the context of work being done elsewhere. Canada's long-standing policy regarding the proliferation of conventional weapons is to pursue the goals of transparency, dialogue and restraint. We have mechanisms for transparency, such as the United Nations Conventional Arms Register. We should use these mechanisms and improve them. The data generated by these mechanisms should inform discussions about the nature, extent and consequences of excessive conventional arms proliferation. Those discussions should be pursued. Finally, we hope that States can benefit from such discussions so as to refrain from making de-stabilizing sales or acquisitions. While last year, under the Special Coordinator appointed for transparency in armaments, no conclusion was reached, Canada believes the CD should continue to explore how it can make a contribution in this area. We look forward to working with a Special Coordinator to that end in 1999.

There has indeed been much discussion elsewhere about the horrendous suffering caused by small arms and light weapons. Canada is among the many States exploring avenues for dealing with this problem. Our approach concentrates on three interlocking "tracks" dealing with licit transfers, illegal trafficking and the peace-building and human security dimensions, each on global, regional and national levels. Many of these ideas are currently being pursued elsewhere; however, we should continue to consider if and when the CD might usefully contribute. In our 22 January 1998 statement in this Conference, for example, we cited work done in the past concerning the development of guidelines or a code of conduct respecting arms transfers,

(Mr. Moher, Canada)

including small arms. Could the CD consider this concept in 1999, building on that earlier work but also on more recent significant initiatives such as the EU Joint Action on Small Arms of December 1998?

With regard to anti-personnel mines, we are pleased that the Mine Ban Convention will enter into force on 1 March of this year. 133 States have signed the Convention and 63 have also ratified. We will continue to pursue its universalization and encourage those which have signed to ratify. We look forward to the First Meeting of States Parties in Maputo, Mozambique, in May of this year. That meeting will launch the formal, indeed legal process of States' implementing the Convention. At the same time, we will continue to work to ensure that the essential partnership with civil society continues. Effective demining and mine victim assistance requires this partnership and benefits from it.

Last year in the CD, others indicated an interest in pursuing a more limited instrument on this issue, perhaps a ban on APM transfers. On this issue, our position remains the same. If such negotiations do take place, the only standards that we will accept are those of the Mine Ban Convention. Canada will not be a party to moving international law backwards. Moreover, for those who wish to pursue a more limited ban restricted to transfers of APMs, we note that this is being discussed informally with respect to the Convention on Certain Conventional Weapons (CCW). In our view, it would be more appropriate to supplement this existing instrument than to create a new instrument. Having said that, as the issue relates to possible work in the CD in 1999, and consistent with our 1998 approach, we will not, of course, object if there is a desire to reappoint a Special Coordinator on this issue.

Last year, the Conference appointed a Special Coordinator to explore the possibility of work on disarmament issues in outer space. Among the ideas considered was a formal proposal from Canada that the CD negotiate a ban of the weaponization of outer space. This was set out in a working paper distributed on 21 January 1998, and an updated version of that paper is being circulated again in 1999.

To address the concerns of the few sceptics, the paper makes clear the fundamental distinction between a ban of the weaponization of outer space and a ban of the militarization of outer space. The former is the essence of our proposal. We believe it is viable and achievable. We will not support the latter - a much broader concept - if it is suggested by others.

Some have suggested that there is no arms race in outer space, so why open up this question? Others have advised that it is at the least premature to consider action in this respect. But we have also taken careful note of authoritative assertions elsewhere that "early in the twenty-first century space will become another medium of warfare" and that an impressive effort is under way to outline a "vision for 2020" - a global engagement strategy that may seek to apply military force directly from outer space. Furthermore, substantial funds are being allocated and capabilities are being explored to prepare for that prospect.

(Mr. Moher, Canada)

The consideration of proposals in a multilateral context can contribute to reducing this challenge and to building security in the future. We can only restate Canada's position that disarmament, non-proliferation and arms control are, and should be, about more than rolling back what States have already done once their Governments have developed core security commitments and invested billions in certain capabilities.

Canada obviously believes that the CD can and should act on this premise. We understand no Government's formal policy precludes such action. The renewal of our proposal promotes this forward-looking objective. The recognition that other possibilities for action may also exist spurs our hope that the CD will reappoint a Special Coordinator mandated to explore an approach that will satisfy the international community's desire to preserve and to protect the current benefits from the use of outer space that almost every nation now enjoys, while avoiding the creation of new and daunting security competitions and challenges in the future.

Last year, three Special Coordinators were mandated to consider issues related to reform of the CD. In our view, as with the other Special Coordinators, these three should be reappointed. Regarding membership, Canada believes the CD should be open to any State that wishes to become a member and is committed to participation. In partial recognition of this principle, the earliest possible decision should be taken to admit Ecuador, Ireland, Kazakhstan, Malaysia and Tunisia to this Conference. Their direct participation will enrich the variety and range of views in this Conference as well as strengthen its representative nature. Concerning the agenda, we believe it should be streamlined so as to have a few categories that capture broad issue areas, and that the CD should rather focus more effort on a realistic programme of work. As for the improved and effective functioning of the CD, we appreciate the efforts and thoughtful suggestions of Ambassador Illanes as Special Coordinator last year. We remain willing to consider whatever device might serve to promote our substantive efforts in the Conference while protecting the fundamental interests of members.

In conclusion, the CD remains a vital mechanism for moving forward the multilateral disarmament agenda; it should negotiate whenever possible; it should discuss substantive issues to determine if, how and when such multilateral negotiations can and should be pursued. And it should do so seriously making optimum use of available resources. We have devoted the past two years largely to general debate; 1999 should be a year of substantive action and progress.

The PRESIDENT: I thank the representative of Canada for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Spain, Mrs. Rico.

Mrs. RICO (Spain) (translated from Spanish): Allow me, Mr. President, to join the distinguished representatives who have conveyed their best wishes to you for your term of office, which, we have no doubt, given your proven competence and the talent for dialogue which you have demonstrated in discharging your functions, will be studded with success. The speed with

(Mrs. Rico, Spain)

which the agenda for this session was adopted is a good omen for your presidency and for our work this year as a whole. You may rely on the support and full cooperation of the Spanish delegation at all times. And as this is the first time I have addressed the plenary since I joined this Conference as representative of Spain last August, I would also like to congratulate your predecessors, the representatives of Ukraine, Ambassador Malmeskul, and the United Kingdom, Ambassador Soutar, who directed the Conference at a crucial moment, and thank them for their contribution to our tasks. I would also like to express appreciation for the effective cooperation of the Secretary-General of the Conference and Personal Representative of the United Nations Secretary-General, Ambassador Petrovsky, as well as the Deputy Secretary-General, Mr. Bensmail, and all the secretariat staff, thanks to whom our work is able to proceed calmly and efficiently.

I have not taken the floor today to make a general statement on all the items placed before our Conference for consideration. That statement will come in due time, perhaps when we have adopted a specific programme of work. My intention at this point is only to refer to three issues which I think are particularly interesting at this stage in our work. First of all, the programme of work. It would seem appropriate to do our best to limit this preliminary exploratory phase and to proceed as soon as possible to adopt a programme of work for this year to enable us to resume the tasks in which the Conference was involved when the 1998 session ended and confirm the establishment and the mandate of the two ad hoc committees and all the special coordinators.

After two years of almost complete paralysis, this unique forum - unique not only in terms of its multilateral negotiating function, but also in terms of its membership and its working methods - appeared last summer to have recovered its negotiating momentum, though admittedly only after what Secretary-General Kofi Annan described here the other day as a "highly disturbing development" which caused great concern throughout the international community as well as in this forum.

We would be damaging ourselves and it would to a great extent be incomprehensible if we were to fail to capitalize on the momentum that was generated when we were able to overcome considerable differences in views on how to complete the programme laid down in the NPT Review Conference's document on "Principles and Objectives", and if we were to sink back into ineffectiveness. As we were able to see during the long months of deadlock, this could be the prelude to the sidelining of our Conference.

An essential aspect of this confirmation, in our view, is the urgent adoption of the proposal made last year by Ambassador Hofer to expand the membership of the Conference by five, which was on the point of being adopted at the last session and which Spain energetically supports.

Secondly, I would like to refer to the issue of nuclear disarmament, and the means of fitting it into the programme of work of the Conference, which is the focus of our attention during these preliminary weeks of the annual session. Nuclear disarmament is not just a priority issue for this Conference

(Mrs. Rico, Spain)

on Disarmament, in its various aspects and angles. It is also, and above all, one of the main concerns of mankind. Consequently, my delegation, like all those present here, enthusiastically welcomed the new impetus given to the bilateral negotiations after the end of the cold war, and particularly the launching of the START process and the prospects for drastic cuts in nuclear arsenals that that entailed. Despite the delays in the entry into force of the agreements already negotiated and the clear slowing of the rate of reduction of arsenals, my country is still convinced that the bilateral route is the rational route being followed by its protagonists in good faith, as they are committed to do by the undertakings entered into among themselves and with the international community as a whole, notably through the Nuclear Non-Proliferation Treaty.

Now, the hope - justified, I believe - that early ratification of the START II Treaty will lead to the deepening of the process of nuclear disarmament, the urgent initiation of the START III negotiations and the subsequent phases of participation by the other nuclear Powers, which have already taken significant unilateral measures, does not, however, mean that countries such as mine, which deliberately and consciously renounced the nuclear option, can rest on our laurels. On the one hand, the risks are still too great. And on the other, there is a very wide-reaching desire in the international community - and particularly in a specialized negotiating forum such as this - to somehow or other increase our involvement in the nuclear disarmament process, which affects us all so directly.

It is true that my country still views with a degree of misgiving the attempts to multilateralize negotiations which have their own strictly identified participants and leaders. The references to artificial calendars and detailed programmes of action which often lack any element of realism, directed to the possessors of arsenals, are still, we feel, impractical and in one way or another counter-productive in terms of achieving rapid progress. They run the risk of converting the calls for nuclear disarmament, which are indeed indispensable, into yet another item of rhetoric in conventional international discourse. But it should also be borne in mind that this very legitimate concern exists and that it is impossible to be forever insensitive to the arguments of those who want to participate in the search for gradual solutions to the present situation of dangerous - and unstable - deadlock. For these reasons we listened with the greatest attention to the various proposals made in recent days. In the opinion of my delegation, the most practical procedure at present - also in view of the closeness of key dates in the international disarmament calendar - would be to take up again the formula, already used last year, of requesting the sitting President, together with the outgoing and incoming Presidents, to study all the proposals submitted here and conduct systematic consultations with delegations to see how best to tackle this issue in the Conference. My delegation would not oppose either the appointment of someone to assist the President in this task, as has been suggested by one delegation (although that person would probably not be like a traditional special coordinator as this Conference understands the job) or the setting up of a working group or another sort of subsidiary body with a mandate which, at this stage, should of course be solely deliberative and informative, as was also proposed. All this, of course,

(Mrs. Rico, Spain)

without losing sight of the fact that the nuclear States - those which have both the responsibility and the obligation to move the nuclear disarmament process forward - must necessarily cooperate in developing these initiatives.

Third and last, and in close connection with what I said earlier, I would like to place on record the support of my delegation for the early re-establishment of the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty which would impose a prohibition on the production of fissile material for atomic bombs and other explosive nuclear devices, and for the early initiation of the negotiations. My delegation hopes that the agreement of 11 August 1998, which was unanimously endorsed by the General Assembly last autumn, will be put into effect as soon as possible, and that the present differences as to the scope, content and verification of the future treaty - which have been noted during the meetings of experts that have been held in Geneva - over the last few weeks will be resolved in the course of negotiations and not in a prior phase. We are furthermore convinced that a good FMCT will not only be the key element which the non-proliferation regime still lacks, but will also, and in any case, constitute a strong incentive to global nuclear disarmament.

To conclude, I would like to inform the Conference that on 19 January last Spain deposited the instrument of ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, or Ottawa Convention, at United Nations Headquarters.

The PRESIDENT: I thank the representative of Spain for her statement and for the kind words addressed to the Chair. I now give the floor to the representative of Colombia, Ambassador Reyes Rodríguez who will be speaking on behalf of the Group of 21.

Mr. REYES RODRIGUEZ (Colombia) (translated from Spanish): In my capacity as Coordinator of the Group of 21, I should like to introduce the proposal for a programme of work for the Conference on Disarmament for the 1999 session, on which the group reached consensus at its meeting yesterday. Our proposal for a programme of work reflects the positions of the group concerning the items on the agenda, and especially the very high priority that the group continues to attach to item 1, "Cessation of the nuclear arms race and nuclear disarmament". The proposal, which I shall read in English, which was our working language, is the following:

(continued in English)

"1. The Conference takes the following decisions:

"(i) The Conference establishes an ad hoc committee on nuclear disarmament 1/ under agenda item 1, 'Cessation of the nuclear arms race and nuclear disarmament'.

"(ii) The Conference establishes, under agenda item 1, entitled 'Cessation of the nuclear arms race and nuclear

(Mr. Reyes Rodríguez, Colombia)

disarmament', an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

"(iii) The Conference establishes an ad hoc committee under agenda item 3, 'Prevention of an arms race in outer space', to negotiate specific and concrete measures for the prevention of an arms race in outer space.

"(iv) The Conference establishes an ad hoc committee for agenda item 4, 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons', to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These arrangements could take the form of an internationally legally binding instrument. The ad hoc committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate (CD/1501).

"The ad hoc committees shall present reports to the Conference on Disarmament on the progress of their work before the conclusion of the 1999 session.

"2. The Conference appoints a Special Coordinator under agenda item 6, entitled 'Comprehensive programme of disarmament', to seek the views of its members on the most appropriate way to deal with the questions related to anti-personnel landmines taking into account, inter alia, developments outside the Conference.

"3. The Conference appoints a Special Coordinator under agenda item 7, entitled 'Transparency in armaments', to seek the views of its members on the most appropriate way to deal with the questions related to this item.

"4. In implementing these decisions the Special Coordinators shall take into consideration all relevant views and proposals, present and future.

"5. The Conference requests the Special Coordinators to present early and regular reports on the outcome of their consultations throughout the session, including before the end of the second part of its 1999 session.

"6. The Conference also decides to appoint Special Coordinators on the review of its agenda, the expansion of its membership and its improved and effective functioning. These Special Coordinators, in discharging

(Mr. Reyes Rodriguez, Colombia)

their duties and functions, will take into account all proposals and views, as well as future initiatives. The Conference requests these Special Coordinators to report to it before the conclusion of the 1999 session.

"7. The taking of these decisions contained in paragraphs 2 and 3 does not prejudge the positions of delegations on the eventual establishment of subsidiary bodies on the issues identified, but reflects agreement to advance the Conference's work with a view to reaching consensus. This decision is also taken without prejudice to the rights of members of the Conference to move forward with positions and proposals already made or to be put forward in the future.

"1/ The Group of 21 continues to attach the highest priority to the establishment of an ad hoc committee on nuclear disarmament under agenda item 1.

"The President of the Conference on Disarmament stated at the 811th plenary meeting on 28 January 1999 that he shall try to identify a Special Coordinator in accordance with paragraph 5 (d) of document CD/1036 to assist in carrying out consultations with a view to reaching consensus on the establishment of an ad hoc committee on nuclear disarmament or its mandate.

"A specific proposal on a mandate for the ad hoc committee is being considered by the Group of 21 for presentation."

(continued in Spanish)

I would like to request that this proposal be circulated as an official document of the Conference.

The PRESIDENT: I thank the representative of Colombia for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. Does any other delegation wish to take the floor? I take it that there are none.

Before adjourning this plenary meeting, I would like to inform you that intensive consultations are still under way on the programme of work of the Conference, the request by South Africa for the President to identify a Special Coordinator to assist in carrying out informal consultations with a view to reaching consensus on its proposal to establish an ad hoc committee on nuclear disarmament, as well as on the issue of expansion of membership of the Conference. I urge all delegations to display the necessary flexibility which would allow us to embark soon on our substantive work, taking into account the delicate compromises we reached at the end of last year's session.

I call on the representative of Germany.

Mr. SEIBERT (Germany): Mr. President, I have not taken the floor to deliver a general statement, but rather to address the situation in which we find ourselves. But allow me first to congratulate you on the assumption of the presidency of this Conference. I need not emphasize that we are very happy to see you in the Chair. You can count on the full support of the German delegation in your endeavours to move us forward to substantive work and, in particular, to bring about an early start of negotiations in this Conference. I would also like to warmly welcome our new colleagues who have recently joined the Conference. I look forward to closely cooperating with them.

Germany fully supports your proposal to continue our work at the same point we had, after protracted discussions, arrived at towards the end of last year's session. After all, what was the point of establishing an ad hoc committee under item 1 of our agenda to negotiate a treaty banning the production of fissile material for nuclear weapons, if not to pave the way for the immediate beginning of such negotiations this year? At the time we took this decision on 11 August, it was quite clear that it would not be possible to start substantive negotiations in the little time left of last year's session. Since then, we have not only this decision to build upon, we also have a consensus resolution of the General Assembly welcoming this decision and encouraging the Conference "to re-establish its ad hoc committee at the beginning of its 1999 session".

In the discussions we have had this year, I have not heard a single objection to re-establishing this Ad Hoc Committee. Neither have I heard any objections to re-establishing the Ad Hoc Committee on security assurances, nor against reappointing Special Coordinators on the same subjects as last year. So, if there appears to be general agreement on these items, why can't we take a decision on them? Why can't we take such a decision here and now?

I am, of course, aware that some delegations want decisions on other matters as well. This is understandable. In fact, Germany would like to see additional decisions taken - for instance, on establishing an ad hoc committee to negotiate a treaty banning the transfer of anti-personnel mines. After all, the Special Coordinator proposed a draft mandate during last year's session that almost all delegations were able to accept. I realize, however, that full consensus was not attained. So this year we will need some more - hopefully not too long - consultations on this subject. But why should this be an obstacle to reaffirming immediately the consensus that not only this Conference but also the General Assembly of the United Nations was able to achieve last year?

I am also aware that some delegations believe that all such decisions should be made in the framework of a decision on the so-called "programme of work". They point out rule 28 of our rules of procedure, according to which the Conference shall establish such a programme of work at the beginning of its annual session. The present wording of rule 28 is based on paragraph 7 of the decision contained in document CD/1036, the same document that was discussed at length during our plenary last Thursday. I recommend a closer look at paragraph 6 of that document, which makes it quite clear what was

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meant at that time by "programme of work". It is not a decision on establishing subsidiary bodies. This question is treated in rule 23. There, it is clearly stated that the Conference may establish subsidiary bodies "whenever the Conference deems it advisable for the effective performance of its functions, including when it appears that there is a basis to negotiate a draft treaty or other draft texts".

It is exactly this situation, foreseen in rule 23, that we find ourselves in concerning the negotiations on an FMCT. Therefore, let us start these negotiations at once. I have in the past repeatedly stressed the priority that Germany attaches to such negotiations. We continue to believe that it is through these negotiations that the Conference can, under item 1 of its agenda, most effectively make a tangible contribution towards nuclear disarmament. However, we also believe that the Conference can contribute to this goal through other means as well, although the time has not yet come for multilateral negotiations on nuclear disarmament as such. Germany, together with other delegations, has made a proposal on how to deal with this subject. I do not need to repeat the rationale behind this proposal, since Ambassador Mernier of Belgium has already done so eloquently at our last plenary.

Other delegations have also made proposals under item 1. Germany is willing to discuss all these proposals with an open mind. We should concentrate, however, on substance and not on procedure. Germany believes that the Conference should develop appropriate methods to discuss all relevant issues under item 1. We do not believe, however, that we should waste our time discussing what name to give to these methods - ad hoc committee, special coordinator, Presidential consultations or any other name. We will achieve progress if there is consensus to address substance. We will never achieve consensus through tedious procedural debates. Last year, we were able to reach consensus on the formula of consultations by the Presidential troika. While Germany can support other formulas, the continuation of the troika consultations, which would address all past and future proposals, seems to us the quickest way of getting down to a substantive debate without further delay.

In concluding, I cannot avoid expressing my deep disappointment that we still have not reached a decision on the proposed limited expansion of membership. We are all aware of the reasons why such a decision was not possible last year. To my understanding, these reasons do not pose an obstacle any longer. We ended last year's session with a general expectation, clearly expressed by the distinguished Ambassador of Morocco, that a decision would be taken at the very outset of this new session. Although we would have welcomed a wider expansion, including in particular all applicants of the European Union, we support this limited decision as a further step in an ongoing process. I sincerely hope that such a decision can be taken, if not today then at least at our next meeting.

The PRESIDENT: I thank the representative of Germany for his statement and for his kind words addressed to the Chair. I believe the representative from South Africa would like to take the floor.

Mr. MARTRAM (South Africa): As this is the first time that I take the floor in the Conference on Disarmament, may I congratulate you on your assumption of the office of the President of the Conference on Disarmament and wish you well in the remaining seven days as our President? My delegation is pleased that you will continue your consultations on my delegation's proposal in terms of paragraph 5 (d) of decision CD/1036, and would urge you to consider holding open-ended informal consultations on this issue.

The PRESIDENT: I thank the representative of South Africa for his statement and the kind words addressed to the Chair. Are there any other members who wish to speak?

If I could respond briefly to the statement by my distinguished colleague from Germany, I can assure him that no one would like to take decisions on a work programme more than me, and I welcome your encouragement to get going. I think I have been trying to. That having been said, I think we have many common elements in my proposal for a programme of work and in the proposal just tabled by the G-21. There are, of course, some very important differences as well. It is my hope that the CD can take a pragmatic and realistic approach and at least initiate its work, for it appears there is common ground. That is what I have attempted to do in my proposal. I shall continue to pursue my consultations in the hope that the CD, three weeks into its 1999 session, can get down to substantive work.

Now, that having been said, because the G-21 proposal was only tabled today, some delegations may need time to study it. I hope that next week we shall be able to reach a decision on a work programme, and I shall be working actively with you all in that regard.

This concludes our business for today, unless anyone else wishes to speak. The next plenary meeting of the Conference will be held on Thursday, 11 February, at 10 a.m.

The meeting rose at 11.05 a.m.